

1990 No. 40

SOCIAL SECURITY

**The Social Security Benefit (Persons Abroad)
Amendment Regulations 1990**

<i>Made</i> - - - -	<i>9th January 1990</i>
<i>Laid before Parliament</i>	<i>18th January 1990</i>
<i>Coming into force</i>	<i>8th February 1990</i>

The Secretary of State for Social Security in exercise of powers conferred by sections 82(5) and 131 of and Schedule 20 to the Social Security Act 1975(a), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it(b), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefit (Persons Abroad) Amendment Regulations 1990 and shall come into force on 8th February 1990.

(2) In these Regulations “the principal Regulations” means the Social Security Benefit (Persons Abroad) Regulations 1975(c).

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (definitions) after the definition of “retired” there shall be added –

“serving member of the forces’ has the meaning given to it in regulation 1(2) of the Contributions Regulations;”(d).

(3) Regulation 2(1) (modification of the Act in relation to sickness benefit, invalidity benefit, severe disablement allowance, unemployability supplement and maternity allowance) shall be amended as follows:

(a) in sub-paragraph (a):

(i) for the reference to “and (c)” there shall be substituted a reference to “, (c) and (d)”, and

(ii) the word “either” shall be deleted;

(a) 1975 c.14; Schedule 20 is cited because of the meaning ascribed to the words “Prescribed” and “Regulations”.
(b) See the Social Security Act 1986 (c.50), section 61(1)(b) and (10); the Social Security Act 1989 (c.24), Schedule 8, added a definition of “regulations” to section 61(10) of the Act of 1986.
(c) S.I. 1975/563; the relevant amending instruments are S.I. 1977/342 and 1679, 1981/1157, 1983/186, 1984/1303 and 1986/1545.
(d) S.I. 1979/591.

(b) in sub-paragraph (c) for the words "since the absence began." there shall be substituted the words "since the absence began, or";

(c) after sub-paragraph (c) there shall be inserted the following sub-paragraph:

"(d) in the case of severe disablement allowance, he is absent only by reason of the fact that he is living with a serving member of the forces and is the spouse, son, daughter, father, father-in-law, mother or mother-in-law of that member."

Revocations

3. Regulations 3 (maternity grant) and 7 (death grant) of the principal Regulations, together with regulation 13(4) of the Social Security (Child Benefit Consequential) Regulations 1977(a) are hereby revoked.

Signed by authority of the Secretary of State for Social Security.

9th January 1990

Henley
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Social Security Benefit (Persons Abroad) Regulations 1975 (the 1975 Regulations).

Regulation 2 of the 1975 Regulations is amended so that the disqualification for receiving severe disablement allowance during an absence from Great Britain (imposed under section 82(5) of the Social Security Act 1975) is lifted where a person is living abroad with a member of the forces to whom he is related (regulation 2(2) and (3)).

Regulation 3 revokes regulations 3 and 7 of the 1975 Regulations together with regulation 13(4) of the Social Security (Child Benefit Consequential) Regulations 1977. These Regulations relate to maternity and death grants which were abolished under sections 38, 41 and 86 of and Schedule 11 to the Social Security Act 1986.

(a) S.I. 1977/342; regulation 13(4) amends regulation 7 of the principal Regulations.

50p net

ISBN 0 11 003040 0

Printed in the United Kingdom for HMSO

880 WO0076 C35 1/90 452 7102 O/N 88174