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STATUTORY INSTRUMENTS

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**1992 No. 704**

**The Social Security (Severe Disablement Allowance) Amendment Regulations 1992**

**Amendment of regulation 3 of the 1984 Regulations**

2. For paragraph (1) of regulation 3 of the 1984 Regulations (conditions relating to residence and presence) there shall be substituted the following paragraphs—

“(1) Subject to the following provisions of this regulation, the prescribed conditions for the purposes of section 36(4)(c) of the Act as to residence and presence in Great Britain in relation to any person on any day shall be that—

(a) on that day—

(i) he is ordinarily resident in Great Britain, and

(ii) he is present in Great Britain, and

(iii) he has been present in Great Britain for a period of, or for periods amounting in the aggregate to, not less than 26 weeks in the 52 weeks immediately preceding that day; and

(b) where that day falls within a period in which that person—

(i) receives tax free emoluments, or

(ii) is the spouse of a person who receives tax free emoluments,

that period is immediately preceded by a period of 4 years during which the person first mentioned in this sub-paragraph was present in Great Britain for not less than 156 weeks in aggregate.

(1A) In paragraph (1)(b), the expression “tax free emoluments” means emoluments which are exempt from tax under any of the provisions listed in paragraph (1) of regulation 9 of the Child Benefit (General) Regulations 1976(1).”