

2006 No. 3341

SOCIAL SECURITY

**The Social Security (Bulgaria and Romania) Amendment
Regulations 2006**

<i>Made</i> - - - -	<i>14th December 2006</i>
<i>Laid before Parliament</i>	<i>15th December 2006</i>
<i>Coming into force</i> - -	<i>1st January 2007</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(a), (d) and (e), 131(3)(b), 135(1) and (2), 137(1) and (2) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(a), sections 4(5) and (12), 35(1) and 36(2) of, and paragraph 11 of Schedule 1 to, the Jobseekers Act 1995(b) and sections 1(5)(a) and 17(1) of the State Pension Credit Act 2002(c).

He has consulted with organisations which appear to him to be representative of the authorities concerned with these Regulations in so far as they relate to housing benefit and council tax benefit(d).

The Social Security Advisory Committee has agreed that the proposals to make these Regulations should not be referred to it(e).

Citation and commencement

1. These Regulations may be cited as the Social Security (Bulgaria and Romania) Amendment Regulations 2006 and shall come into force on 1st January 2007 (immediately after the Accession (Immigration and Worker Authorisation) Regulations 2006(f) come into force).

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(g) are amended as follows.

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- (a) 1992 c.4; sections 123, 131, 135 and 137 were amended, with respect to council tax benefit, by Schedule 9 to the Local Government Finance Act 1992 (c.14), paragraphs 1(1), 4, 8 and 9. Section 137(1) is cited because of the meaning given to the word “prescribed”. Section 175(1) and (3) is applied to provisions of the State Pension Credit Act 2002 (c.16) by section 19(1) of that Act.
- (b) 1995 c.18; section 35(1) is cited because of the meaning given to the words “applicable amount”, “prescribed” and “regulations”.
- (c) 2002 c.16; section 17(1) is cited because of the meaning given to the word “regulations”.
- (d) See section 176(1) of the Social Security Administration Act 1992 (c.5) which was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c.14).
- (e) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c.5); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 (c.18) and paragraph 20 of Schedule 2 to the State Pension Credit Act 2002 (c.16) added those Acts respectively to the list of “the relevant enactments” in respect of which regulations must normally be referred to the Committee.
- (f) S.I. 2006/3317.
- (g) S.I. 1987/1967; the relevant amending instruments are S.I. 2006/1026, 2006/1981 and 2006/2528.

(2) In regulation 21AA(4) (special cases: supplemental – persons from abroad), for sub-paragraph (f) substitute—

“(f) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006(a) pursuant to—

(i) regulation 5 of the Accession (Immigration and Worker Registration) Regulations 2004(b) (application of the 2006 Regulations in relation to a national of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia or the Slovak Republic who is an “accession State worker requiring registration”), or

(ii) regulation 6 of the Accession (Immigration and Worker Authorisation) Regulations 2006(c) (right of residence of a Bulgarian or Romanian who is an “accession State national subject to worker authorisation”);”.

Amendment of the Jobseeker’s Allowance Regulations 1996

3.—(1) The Jobseeker’s Allowance Regulations 1996(d) are amended as follows.

(2) In regulation 85A(4) (special cases: supplemental – persons from abroad), for sub-paragraph (f) substitute—

“(f) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 pursuant to—

(i) regulation 5 of the Accession (Immigration and Worker Registration) Regulations 2004(e) (application of the 2006 Regulations in relation to a national of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia or the Slovak Republic who is an “accession State worker requiring registration”), or

(ii) regulation 6 of the Accession (Immigration and Worker Authorisation) Regulations 2006(f) (right of residence of a Bulgarian or Romanian who is an “accession State national subject to worker authorisation”);”.

Amendment of the State Pension Credit Regulations 2002

4.—(1) The State Pension Credit Regulations 2002(g) are amended as follows.

(2) In regulation 2(4) (persons not in Great Britain), for sub-paragraph (f) substitute—

“(f) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 pursuant to—

(i) regulation 5 of the Accession (Immigration and Worker Registration) Regulations 2004(h) (application of the 2006 Regulations in relation to a national of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia or the Slovak Republic who is an “accession State worker requiring registration”), or

(a) S.I. 2006/1003.

(b) S.I. 2004/1219; the relevant amending instrument is S.I. 2006/1003.

(c) S.I. 2006/3317.

(d) S.I. 1996/207; the relevant amending instruments are S.I. 2006/1026, 2006/1981 and 2006/2528.

(e) S.I. 2004/1219; the relevant amending instrument is S.I. 2006/1003.

(f) S.I. 2006/3317.

(g) S.I. 2002/1792; the relevant amending instruments are S.I. 2006/1026, 2006/1981 and 2006/2528.

(h) S.I. 2004/1219; the relevant amending instrument is S.I. 2006/1003.

- (ii) regulation 6 of the Accession (Immigration and Worker Authorisation) Regulations 2006(a) (right of residence of a Bulgarian or Romanian who is an “accession State national subject to worker authorisation”);”.

Amendment of the Housing Benefit Regulations 2006

5.—(1) The Housing Benefit Regulations 2006(b) are amended as follows.

(2) In regulation 10(3B) (persons from abroad), for sub-paragraph (f) substitute—

“(f) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 pursuant to—

- (i) regulation 5 of the Accession (Immigration and Worker Registration) Regulations 2004(c) (application of the 2006 Regulations in relation to a national of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia or the Slovak Republic who is an “accession State worker requiring registration”), or
- (ii) regulation 6 of the Accession (Immigration and Worker Authorisation) Regulations 2006(d) (right of residence of a Bulgarian or Romanian who is an “accession State national subject to worker authorisation”);”.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

6.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(e) are amended as follows.

(2) In regulation 10(4A) (persons from abroad), for sub-paragraph (f) substitute—

“(f) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 pursuant to—

- (i) regulation 5 of the Accession (Immigration and Worker Registration) Regulations 2004(f) (application of the 2006 Regulations in relation to a national of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia or the Slovak Republic who is an “accession State worker requiring registration”), or
- (ii) regulation 6 of the Accession (Immigration and Worker Authorisation) Regulations 2006(g) (right of residence of a Bulgarian or Romanian who is an “accession State national subject to worker authorisation”);”.

Amendment of the Council Tax Benefit Regulations 2006

7.—(1) The Council Tax Benefit Regulations 2006(h) are amended as follows.

(2) In regulation 7(4A) (persons from abroad), for sub-paragraph (f) substitute—

“(f) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 pursuant to—

(a) S.I. 2006/3317.
(b) S.I. 2006/213; the relevant amending instruments are S.I. 2006/1026, 2006/1981 and 2006/2528.
(c) S.I. 2004/1219; the relevant amending instrument is S.I. 2006/1003.
(d) S.I. 2006/3317.
(e) S.I. 2006/214; the relevant amending instruments are S.I. 2006/1026, 2006/1981 and 2006/2528.
(f) S.I. 2004/1219; the relevant amending instrument is S.I. 2006/1003.
(g) S.I. 2006/3317.
(h) S.I. 2006/215; the relevant amending instruments are S.I. 2006/1026, 2006/1981 and 2006/2528.

- (i) regulation 5 of the Accession (Immigration and Worker Registration) Regulations 2004(a) (application of the 2006 Regulations in relation to a national of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia or the Slovak Republic who is an “accession State worker requiring registration”), or
- (ii) regulation 6 of the Accession (Immigration and Worker Authorisation) Regulations 2006(b) (right of residence of a Bulgarian or Romanian who is an “accession State national subject to worker authorisation”);”.

Amendment of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

8.—(1) The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(c) are amended as follows.

(2) In regulation 7(4A) (persons from abroad), for sub-paragraph (f) substitute—

“(f) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 pursuant to—

- (i) regulation 5 of the Accession (Immigration and Worker Registration) Regulations 2004(d) (application of the 2006 Regulations in relation to a national of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia or the Slovak Republic who is an “accession State worker requiring registration”), or
- (ii) regulation 6 of the Accession (Immigration and Worker Authorisation) Regulations 2006(e) (right of residence of a Bulgarian or Romanian who is an “accession State national subject to worker authorisation”);”.

Signed by authority of the Secretary of State for Work and Pensions.

James Plaskitt
Parliamentary Under-Secretary of State,
Department for Work and Pensions

14th December 2006

(a) S.I. 2004/1219; the relevant amending instrument is S.I. 2006/1003.
(b) S.I. 2006/3317.
(c) S.I. 2006/216; the relevant amending instruments are S.I. 2006/1026, 2006/1981 and 2006/2528.
(d) S.I. 2004/1219; the relevant amending instrument is S.I. 2006/1003.
(e) S.I. 2006/3317.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the State Pension Credit Regulations 2002 (S.I. 2002/1792), the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214), the Council Tax Benefit Regulations 2006 (S.I. 2006/215) and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/216) ("the income-related benefit regulations") in consequence of the accession to the European Union on 1st January 2007 of Bulgaria and Romania.

The income-related benefit regulations provide that a claimant is ineligible for benefit where he or she is a "person from abroad" or, in the case of state pension credit, a "person not in Great Britain". A person is a person from abroad or a person not in Great Britain if he or she is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland. No person shall be treated as habitually resident without a relevant right to reside in the place where he or she is habitually resident. However, certain categories of persons are exempt from this habitual residence test.

These Regulations insert a new category of persons who are exempt from the habitual residence test, namely nationals of Bulgaria and Romania who are subject to the worker authorisation scheme established by the Accession (Immigration and Worker Authorisation) Regulations 2006 (S.I. 2006/3317) and who are treated as workers pursuant to those Regulations. This adds to the exemption category, inserted on 1st May 2004, for nationals of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia or the Slovak Republic who are subject to the worker registration scheme and who are treated as workers pursuant to the Accession (Immigration and Worker Registration) Regulations 2004 (S.I. 2004/1219).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or voluntary bodies.

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£3.00

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E1612 12/2006 161612T 19585