

---

STATUTORY INSTRUMENTS

---

**2020 No. 1508**

**The Social Security Co-ordination (Revocation of Retained Direct EU Legislation and Related Amendments) (EU Exit) Regulations 2020**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Social Security Co-ordination (Revocation of Retained Direct EU Legislation and Related Amendments) (EU Exit) Regulations 2020.

(2) This regulation, paragraphs 1 to 4 of the Schedule and regulation 10 in so far as it relates to those paragraphs, come into force on the day after the day on which these Regulations are made.

(3) The remainder of these Regulations come into force on IP completion day.

**Interpretation**

2. In these Regulations—

“the Administration Act” means the Social Security Administration Act 1992(1);

“the Administration (Northern Ireland) Act” means the Social Security Administration (Northern Ireland) Act 1992(2);

“Regulation 883/2004” means Regulation (EC) No 883/2004 of the European Parliament and of the Council on the co-ordination of social security systems;

“Regulation 987/2009” means Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004;

“the revoked RDEUL” means the retained direct EU legislation revoked by regulation 3.

**PART 2**

**REVOCATIONS**

**Revocation of retained direct EU legislation**

3. Subject to Part 3, the following retained direct EU legislation is revoked—

(a) Regulation 883/2004;

(b) Regulation 987/2009;

---

(1) 1992 c. 5.

(2) 1992 c. 8.

- (c) Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community;
- (d) Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71;
- (e) Regulation (EC) No 859/2003 extending Regulation (EEC) No 1408/71 to nationals of non-EU Member Countries.

#### **Revocation of instruments**

4. The following instruments are revoked—
- (a) the Social Security Coordination (Council Regulation (EEC) No 574/72) (Amendment) (EU Exit) Regulations 2019(3);
  - (b) the Social Security Coordination (Regulation (EC) No 883/2004, EEA Agreement and Swiss Agreement) (Amendment) (EU Exit) Regulations 2019(4);
  - (c) the Social Security Coordination (Regulation (EC) No 987/2009) (Amendment) (EU Exit) Regulations 2019(5);
  - (d) the Social Security Coordination (Council Regulation (EEC) No 1408/71 and Council Regulation (EC) No 859/2003) (Amendment) (EU Exit) Regulations 2019(6).

## PART 3

### SAVINGS

#### **Savings**

5.—(1) Notwithstanding regulation 3, the revoked RDEUL referred to in regulations 6 to 9 forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018(7) to the extent specified in those regulations.

(2) Notwithstanding regulation 4, the instruments revoked by that regulation continue to have effect for the purposes of regulation 9 to the extent specified in that regulation.

#### **Benefits in kind**

6. This regulation applies to the provisions of the revoked RDEUL in so far as they relate to the co-ordination of the provision of benefits in kind.

#### **Debt recovery etc.**

7.—(1) This regulation applies to the provisions of the revoked RDEUL specified in paragraph (2) for the purposes of giving effect to a reciprocal Order which allows for the recovery of any debt relating to social security contributions or family benefit specified in that Order.

(2) Those provisions are—

- (a) in Regulation 883/2004, Article 84;

---

(3) S.I. 2019/721.  
 (4) S.I. 2019/722.  
 (5) S.I. 2019/723.  
 (6) S.I. 2019/726.  
 (7) 2018 c. 16.

(b) in Regulation 987/2009, Chapter 3 of Title 4.

(3) In paragraph (1), “reciprocal Order” means an Order in Council made under section 179 of the Administration Act or an Order made under section 155 of the Administration (Northern Ireland) Act.

### **Gibraltar**

**8.**—(1) This regulation applies to those parts of the revoked RDEUL which are necessary to give effect to the Exchange of Letters between the Governments of the United Kingdom and Gibraltar on the co-ordination of social security between the United Kingdom and Gibraltar.

(2) The Exchange of Letters referred to in paragraph (1) is contained in—

- (a) as regards Great Britain, the Schedule to the Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974<sup>(8)</sup>; and
- (b) as regards Northern Ireland, the Schedule to the Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order (Northern Ireland) 1974<sup>(9)</sup>.

### **State pension**

**9.**—(1) This regulation applies to the provisions of the revoked RDEUL and the instruments revoked by regulation 4 in so far as they relate to the up-rating of state pension and the aggregation of relevant periods for the purpose of granting state pension.

(2) In paragraph (1), “state pension” means state pension under—

- (a) the Social Security Contributions and Benefits Act 1992<sup>(10)</sup>;
- (b) the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(11)</sup>;
- (c) the Pensions Act 2014<sup>(12)</sup>; and
- (d) the Pensions Act (Northern Ireland) 2015<sup>(13)</sup>.

## **PART 4**

### **AMENDMENTS**

### **Amendments**

**10.** The Schedule (which makes amendments related to the revocations in regulations 3 and 4) has effect.

---

<sup>(8)</sup> S.I. 1974/555.  
<sup>(9)</sup> S.R. 1974 No. 153.  
<sup>(10)</sup> 1992 c. 4.  
<sup>(11)</sup> 1992 c. 7.  
<sup>(12)</sup> 2014 c. 19.  
<sup>(13)</sup> 2015 c. 5.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

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

15th December 2020

*Justin Tomlinson*  
Minister of State  
Department for Work and Pensions