
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 6 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20).

Part 2 (regulations 3 and 4) makes revocations. Regulation 3 revokes certain retained direct EU legislation; namely Regulation (EC) No 883/2004 of the European Parliament and of the Council on the co-ordination of social security systems, Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004, 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 and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408 and Regulation (EC) No 859/2003 extending Regulation (EEC) No 1408/71 to nationals of non-EU Member Countries. Those Regulations relate to the co-ordination of social security systems throughout the EU.

Regulation 4 revokes certain subordinate legislation; namely the Social Security Coordination (Council Regulation (EEC) No 574/72) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/721), the Social Security Coordination (Regulation (EC) No 883/2004, EEA Agreement and Swiss Agreement) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/722), the Social Security Coordination (Regulation (EC) No 987/2009) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/723) and the Social Security Coordination (Council Regulation (EEC) No 1408/71 and Council Regulation (EC) No 859/2003) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/726). All of those Regulations were made under the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) amending the retained direct EU legislation revoked by regulation 3.

Part 3 (regulations 5 to 9) makes specific savings from the revocations in regulations 3 and 4. Regulation 6 saves provisions relating to the coordination of the provision of benefits in kind. Regulation 7 saves provisions necessary to give effect to the debt recovery, insolvency and recognition and enforcement of judgment provisions provided for in the 2019 Convention on Social Security between the Governments of the UK and Ireland⁽¹⁾ and which may be needed to give effect to corresponding provisions of any future social security reciprocal agreements. The debt to which this is to relate is that relating to national insurance contributions and family benefits. Regulation 8 saves provisions necessary to give effect to the Exchange of Letters on the co-ordination of social security between the United Kingdom and Gibraltar. Regulation 9 saves provisions necessary to give effect to uprating and aggregation of state pension.

Part 4 (regulation 10) and the Schedule make amendments to primary legislation and subordinate legislation which relate to the revocations in regulations 3 and 4.

This instrument does not impose any costs on business, charities or the voluntary sector. A Tax Information and Impact Note has not been prepared for this instrument as it revokes applicable legislation rules which are not regulatory in nature.

(1) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778087/CS_Ireland_1.2019_Soc_Sec.pdf