
STATUTORY INSTRUMENTS

2023 No. 1144

**The Social Security (Habitual Residence and Past Presence,
and Capital Disregards) (Amendment) Regulations 2023**

PART 2

**AMENDMENTS TO BENEFIT LEGISLATION EXTENDING
TO ENGLAND AND WALES AND SCOTLAND**

Amendment of Employment and Support Allowance Regulations 2008

- 8.**—(1) The Employment and Support Allowance Regulations 2008(1) are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in the definition of “qualifying person” after “the National Emergencies Trust” insert “, the Victims of Overseas Terrorism Compensation Scheme”;
- (b) after the definition of “vaccine damage payment” insert—
- ““the Victims of Overseas Terrorism Compensation Scheme” means the scheme of that name established by the Ministry of Justice in 2012 under section 47 of the Crime and Security Act 2010;”.
- (3) In each of the following provisions, after “the National Emergencies Trust” insert “, the Victims of Overseas Terrorism Compensation Scheme”—
- (a) regulation 112(8)(a) (income treated as capital);
- (b) regulation 115(5)(a) (notional capital);
- (c) paragraph 27(1) and (7) of Schedule 9 (capital to be disregarded).