Draft Regulations laid before Parliament under paragraph 1 of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. ***

EXITING THE EUROPEAN UNION
SOCIAL SECURITY

The Social Security (Amendment) (EU Exit) Regulations 2018

Made - - - - ***

Coming into force in accordance with regulation 1(2)

The Secretary of State, in exercise of the powers conferred by sections 8(1) and 23(1) of the European Union (Withdrawal) Act 2018(**1**), makes the following Regulations.

In accordance with paragraph 1 of Schedule 7 to the European Union (Withdrawal) Act 2018 a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Amendment) (EU Exit) Regulations 2018.

(2) These Regulations come into force on exit day.

Social Security Contributions and Benefits Act 1992

2. In section 148 of the Social Security Contributions and Benefits Act 1992(**2**) (entitlement of pensioners to Christmas bonus), in subsection (1)(a), for "any other" substitute "a".

Social Security Administration Act 1992

3.—(1) The Social Security Administration Act 1992(**3**) is amended in accordance with this regulation.

(**1**) 2018 c. 16.
(**2**) 1992 c. 4, to which there are amendments not relevant to these Regulations.
(**3**) 1992 c. 5; section 73(5) was amended by section 254(1) of and paragraph 59 of Schedule 24 to the Civil Partnership Act 2004 (c. 33), and by section 1(3) and paragraph 21 of Schedule 1 and paragraph 1 of Schedule 2 to the Child Benefit Act 2005 (c. 6); section 80 was amended by section 1(3) of and paragraphs 19 and 22 of Schedule 1 to the Child Benefit Act 2005 (c. 6); section 179 was amended by the section 23 of and paragraph 25 of Schedule 12 to Pensions Act 2014 (c. 19) and there are other amendments that are not relevant to these Regulations.

(2) In section 73 (overlapping benefits – general), in subsection (5), for "member State other than the United Kingdom" substitute "member State".

(3) In section 74 (income support and other payments), in subsection (2)(a), for "other member State" substitute "member State".

(4) In section 80 (child benefit – overlap with benefits under legislation of other member States)—

(a) in the title, omit "other";

(b) in the section, for "member State other than the United Kingdom" substitute "member State".

(5) In section 179 (reciprocal agreements with countries outside the United Kingdom)—

(a) in subsection (1)—

(i) in paragraph (a), after "United Kingdom" insert "or an international organisation";

(ii) in paragraph (b), after "other government" insert "or international organisation";

(b) in subsection (3)—

(i) in paragraph (a)—

(aa) for "law of the country" substitute "law in force in the country";

(bb) after "agreement is made" insert "or has effect";

(ii) in paragraph (b), for "law of that country" substitute "law in force in that country";

(c) in subsection (4), after paragraph (aj) insert—

"(ak) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018;

(al) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018;

(am) Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018;

(an) Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing 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, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018;

(ao) Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018;";

(d) after subsection (5) insert—

"(6) In this section, "international organisation" means an organisation of which—

(a) two or more sovereign powers are members, or

(b) the governments of two or more sovereign powers are members.".

Amendments of secondary legislation

4. The Schedule contains amendments of secondary legislation.

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

Name
Minister of State for Employment
Department for Work and Pensions

Date