STATUTORY RULES OF NORTHERN IRELAND

# 2024 No. 163

# SOCIAL SECURITY

## The Social Security (Genuine and Sufficient Link to the United Kingdom) (Amendment) Regulations (Northern Ireland) 2024

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| *Made - - - -* | *13th September 2024* |
| *Coming into operation -* | *7th November 2024* |

The Department for Communities(**a**) makes the following Regulations in exercise of the powers conferred by sections 64(1), 70(4), 71(6) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**b**), and now vested in it(**c**), and Articles 5 and 82(3) of the Welfare Reform (Northern Ireland) Order 2015(**d**).

### Citation and commencement

**1.** These Regulations may be cited as the Social Security (Genuine and Sufficient Link to the United Kingdom) (Amendment) Regulations (Northern Ireland) 2024 and shall come into operation on 7th November 2024.

### Amendment of the Invalid Care Allowance Regulations

**2.** In the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(**e**) in—

(a) regulation 9A(1)(c) (persons residing in Northern Ireland to whom a relevant EU Regulation applies), and

(b) regulation 9B(c) (persons residing in an EEA state or in Switzerland to whom a relevant EU Regulation applies(**f**)),

omit "social security system".

### Amendment of the Attendance Allowance Regulations

**3.** In the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(**g**) in—

(a) regulation 2A(1)(c) (persons residing in Northern Ireland to whom a relevant EU Regulation applies), and

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(**a**) *See* section 1(7) of the Departments Act (Northern Ireland) 2016 c. 5 (N.I.)
(**b**) 1992 c.7; section 64(1) was amended by paragraph 38 of Schedule 1 to the Pensions Act (Northern Ireland) 2008 (c. 1) and paragraph 4(2) of Schedule 9 to the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)); section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**c**) *See* Article 8(b) of, and Part 2 of Schedule 6 to, S.R. 1999 No. 481
(**d**) S.I. 2015/2006 (N.I. 1)
(**e**) S.R. 1976 No. 99; regulations 9A and 9B were inserted by regulation 2(3) of S.R. 2016 No. 229; relevant amending Regulations are S.I. 2019/129
(**f**) The heading to regulation 9B was amended by paragraph 1(2)(a) of the Schedule to S.I. 2019/129
(**g**) S.R. 1992 No. 20; regulations 2A and 2B were inserted by regulation 3(3) of S.R. 2016 No. 229; relevant amending Regulations are S.I. 2019/129

(b) regulation 2B(c) (persons residing in an EEA state or in Switzerland to whom a relevant EU Regulation applies(**a**)),

omit "social security system".

**Amendment of the Disability Living Allowance Regulations**

**4.** In the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(**b**) in–

(a) regulation 2A(1)(c) (persons residing in Northern Ireland to whom a relevant EU Regulation applies), and

(b) regulation 2B(c) (persons residing in an EEA state or in Switzerland to whom a relevant EU Regulation applies(**c**)),

omit "social security system".

**Amendment of the Personal Independent Payment Regulations**

**5.** In the Personal Independence Payment Regulations (Northern Ireland) 2016(**d**) in–

(a) regulation 22(c) (persons residing in Northern Ireland to whom a relevant EU Regulation applies), and

(b) regulation 23(c) (persons residing in an EEA state or in Switzerland to whom a relevant EU Regulation applies(**e**)),

omit "social security system".

Sealed with the Official Seal of the Department for Communities on 13th September 2024

(L.S.)

*David Tarr*
A senior officer of the Department for Communities

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Regulation 1 provides for citation and commencement.

Regulations 2 to 5 amend the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976, the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992, the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992 and the Personal Independence Payment Regulations (Northern Ireland) 2016, respectively, to reflect that claimants to whom a relevant EU Regulation applies need only show a genuine and sufficient link to the United Kingdom and not the United Kingdom social security system.

These Regulations make the necessary legislative amendments to reflect the judgment in *Kavanagh & Anor v The Secretary of State for Work and Pensions [2019] EWCA Civ 272*, by removing the words "social security system" after "the United Kingdom".

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in

(**a**) The heading to regulation 2B was amended by paragraph 6(2)(a) of the Schedule to S.I. 2019/129
(**b**) S.R. 1992 No. 32; regulations 2A and 2B were inserted by regulation 4(4) of S.R. 2016 No. 229; relevant amending Regulations are S.I. 2019/129
(**c**) The heading to regulation 2B was amended by paragraph 7(2)(a) of the Schedule to S.I. 2019/129
(**d**) S.R. 2016 No. 217; relevant amending Regulations are S.I. 2019/129
(**e**) The heading to regulation 23 was amended by paragraph 11(2)(a) of the Schedule to S.I. 2019/129

relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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