Draft shared 4 September 2020 to support consideration of the Immigration and Social Security Coordination (EU Withdrawal) Bill

Draft Regulations laid before Parliament under paragraph 3 of Schedule 3 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 for approval by resolution of each House of Parliament.

#### DRAFT STATUTORY INSTRUMENTS

### 2020 No. 000

## **EXITING THE EUROPEAN UNION**

## **SOCIAL SECURITY**

The Social Security Coordination (Revocation of Retained Direct EU Legislation and Consequential Amendments) (EU Exit) Regulations 2020

Made - - - \*\*\*

Coming into force in accordance with regulation 1(2) to (4)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 5 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(a).

[In accordance with paragraph 3(1) of Schedule 3 to that Act, 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 Coordination (Revocation of Retained Direct EU Legislation and Consequential Amendments) (EU Exit) Regulations 2020.
  - (2) Unless paragraph (3) applies, these Regulations come into force—
    - (a) for the purposes of this regulation and regulations 3 and 5, immediately before IP completion day;
    - (b) for all other purposes, on IP completion day.
- (3) This paragraph applies where an Order made under section 179 of the Social Security Administration Act 1992(b) implementing the agreement on social security co-ordination between the United Kingdom of Great Britain and Northern Ireland and the European Union and its Member States ("the implementing Order") is not in force at the time specified in paragraph (2).
- (4) Where paragraph (3) applies, these Regulations come into force on the day the implementing Order comes into force.

<sup>(</sup>a) 2020 c.. The Secretary of State is an appropriate authority by virtue of subsection (7)(a). Under section 6, "modify" is defined for the purpose of the Act as including, inter alia, "revoke".

**<sup>(</sup>b)** 1992 c.5.

#### Revocation of retained direct EU legislation

- 2. The following retained direct EU legislation is revoked—
  - (a) Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems;
  - (b) Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004;
  - (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;
  - (e) Regulation (EC) No 859/2003 extending Regulation (EEC) No 1408/71 to nationals of non-EU Member Countries.

#### **Revocation of instruments**

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

#### **Exclusions**

**4.** Regulation 2 does not revoke any retained direct EU legislation so far as it relates to the coordination of the provision of benefits in kind.

# Amendment of the Social Security Co-ordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019

- **5.**—(1) The Social Security Co-ordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019(**e**) are amended as follows.
  - (2) Omit regulation 10.
  - (3) In regulation 16(c), omit the words from ", so far as not omitted" to the end.

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

Minister of State
Date Department for Work and Pensions

<sup>(</sup>a) S.I. 2019/721.

<sup>(</sup>b) S.I. 2019/722.

<sup>(</sup>c) S.I. 2019/723.

<sup>(</sup>d) S.I. 2019/726.

<sup>(</sup>e) S.I. 2019/776.

#### **EXPLANATORY NOTE**

(This note is not part of the Regulations)

Regulation 2 of these Regulations revokes 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 coordination of social security systems throughout the EU.

Regulation 3 of these Regulations revokes 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). Those Regulations were made under the powers in section 8(1) of the 2018 Act amending the retained direct EU legislation revoked by regulation 2.

Regulation 4 excludes matters relating to the coordination of the provision of benefits in kind from the scope of the revocations in regulation 2.

Regulation 5 of these Regulations makes amendments to the Social Security Co-ordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/776) which are consequential on the revocations made by regulations 2 and 3.