A draft Order laid before both Houses of Parliament under section 4(2) of the Regulatory Reform Act 2001.

DRAFT STATUTORY INSTRUMENTS

2002 No.

REGULATORY REFORM
SOCIAL SECURITY

The Regulatory Reform (Carer's Allowance) Order 2002

Made - - - -	*2002*
Coming into force—	
for the purposes of exercising powers to make subordinate legislation	*1st September 2002*
for all other purposes except for the purposes of Article 2	*28th October 2002*
for the purposes of Article 2	*1st April 2003*

Whereas—

(a) the Secretary of State is of the opinion that this Order does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise;

(b) the Secretary of State has consulted such organisations as appear to be representative of interests substantially affected by his proposals, the National Assembly for Wales and such other persons as he considers appropriate;

(c) following that consultation, the Secretary of State considered it appropriate to proceed with the making of this Order;

(d) a document containing the Secretary of State's proposals was laid before Parliament as required by section 6 of the Regulatory Reform Act 2001(**1**) and the period for Parliamentary consideration under section 8 of that Act expired;

(e) the Secretary of State has had regard to representations made during this period, in particular to the Fifteenth Report of the Delegated Powers and Regulatory Reform Committee(**2**) and the Eighth Report of the Deregulation and Regulatory Reform Committee(**3**);

(**1**) 2001 c. 6.
(**2**) Fifteenth Report on 8th March 2002, HL 92, ISBN 0104788100.
(**3**) Eighth Report on 15th March 2002, HC 691, ISBN 0 215 00235 0.

(f) a draft of this Order was laid before Parliament with a statement giving details of such representations and the Report, and of the changes to the Secretary of State's proposals in light of them; and

(g) the draft was approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Works and Pensions, in exercise of the powers conferred upon him by section 1 of the Regulatory Reform Act 2001 and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Regulatory Reform (Carer's Allowance) Order 2002 and shall come into force—

(a) except for the purposes of Article 2, on 28th October 2002; and

(b) for the purposes of Article 2—

(i) for the purposes of exercising powers to make subordinate legislation to come into force on or after 1st April 2003 (being powers or subordinate legislation which apart from Article 2 would refer to invalid care allowance), on 1st September 2002; and

(ii) for all other purposes, on 1st April 2003.

(2) In this Order—

"the 1992 Act" means the Social Security Contributions and Benefits Act 1992(**4**); and

"subordinate legislation" means Orders in Council, orders, rules, regulations, schemes and other instruments made under any Act.

Invalid care allowance to be known as carer's allowance

2.—(1) Invalid care allowance shall be known as carer's allowance.

(2) The Schedule to this Order (which makes provision consequential on paragraph (1)) shall have effect.

Amendment of section 70 of the 1992 Act

3.—(1) In section 70 of the 1992 Act (which provides for invalid care allowance), after subsection (1) there is inserted—

"(1A) A person who was entitled to an allowance under this section immediately before the death of the severely disabled person referred to in subsection (1) shall continue to be entitled to it, even though he is no longer engaged in caring for a severely disabled person (and the requirements of subsection (1)(a) and (c) are not satisfied), until—

(a) the end of the week in which he ceases to satisfy any other requirement as to entitlement to the allowance; or

(b) the expiry of the period of eight weeks beginning with the Sunday following the death (or beginning with the date of death if the death occurred on Sunday),

whichever occurs first.".

(2) Subsections (5) and (6) of that section are hereby repealed.

(**4**) 1992 c. 4. The relevant amending instrument is regulation 2(3) of S.I.1994/2556.