STATUTORY RULES OF NORTHERN IRELAND

2002 No. 322

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Carer Premium Amendment) Regulations (Northern Ireland) 2002

Made - - - -	*21st October 2002*
Coming into operation	*28th October 2002*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 131(1) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 6(5) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**) and now vested in it(**3**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**4**) in so far as regulation 2 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it(**5**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Carer Premium Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 28th October 2002.

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

Income support and housing benefit: carer premium run-on

2. In paragraph 14ZA (carer premium) of Schedule 2 (applicable amounts) to the Income Support (General) Regulations (Northern Ireland) 1987(**7**) and paragraph 14ZA (Carer Premium) of

(**1**) 1992 c. 7
(**2**) S.I. 1995/2705 (N.I. 15)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *see* also Article 6(b) of S.R. 1999 No. 481
(**5**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**6**) 1954 c. 33 (N.I.)
(**7**) S.R. 1987 No. 459; paragraph 14ZA was inserted by regulation 6(d) of S.R. 1990 No. 346 and sub-paragraphs (3) and (4) were substituted by regulation 4(2)(b)(iii) of S.R. 2000 No. 74

Schedule 2 (applicable amounts) to the Housing Benefit (General) Regulations (Northern Ireland) 1987(**8**) –

(a) for sub-paragraph (3) there shall be substituted the following sub-paragraphs –

"(3) Where a carer premium is awarded but –

(a) the person in respect of whose care the invalid care allowance has been awarded dies, or

(b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled or ceases to be treated as entitled to an invalid care allowance,

the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3A).

(3A) The relevant date for the purposes of sub-paragraph (3) shall be –

(a) the Sunday following the death of the person in respect of whose care an invalid care allowance has been awarded or the date of death if the death occurred on a Sunday;

(b) where sub-paragraph (2) applies, the date on which the person in respect of whose care the invalid care allowance has been awarded ceased to be in receipt of the allowances referred to in head (b) of that sub-paragraph;

(c) in any other case, the date on which the person who has been entitled to an invalid care allowance ceases to be entitled to that allowance.";

(b) in sub-paragraph (4) for heads (a) and (b) there shall be substituted the following heads –

"(a) the person in respect of whose care the invalid care allowance has been awarded dies;

(b) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been awarded ceased to be in receipt of the allowances referred to in head (b) of that sub-paragraph;

(c) in any other case, that person was last entitled to invalid care allowance.".

Jobseeker's allowance: carer premium run-on

3. In Schedule 1 (applicable amounts) to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**9**) –

(a) in paragraph 17(**10**) (carer premium) –

(i) for sub-paragraph (3)(**11**) there shall be substituted the following sub-paragraphs –

"(3) Where a carer premium is awarded but –

(a) the person in respect of whose care the invalid care allowance has been awarded dies, or

(b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled or ceases to be treated as entitled to an invalid care allowance,

the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3A).

(**8**) S.R. 1987 No. 461; paragraph 14ZA was inserted by regulation 9(d) of S.R. 1990 No. 345 and sub-paragraphs (3) and (4) were substituted by regulation 4(4)(b)(iii) of S.R. 2000 No. 74

(**9**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2000 Nos. 74 and 350

(**10**) Paragraph 17 was amended by regulation 4(3)(b) of S.R. 2000 No. 74

(**11**) Sub-paragraph (3) was substituted by regulation 4(3)(b)(iii) of S.R. 2000 No. 74