STATUTORY RULES OF NORTHERN IRELAND

2002 No. 321

SOCIAL SECURITY

The Deregulation (Carer's Allowance) Order (Northern Ireland) 2002

Made - - - - 18th October 2002

Coming into operation in accordance with Article 1(1)

Whereas the Secretary of State has made an Order(**1**) under section 1 of the Regulatory Reform Act 2001(**2**):

Now, therefore, the Department for Social Development, in exercise of the powers conferred by Article 17(1) to (3) of the Deregulation and Contracting Out (Northern Ireland) Order 1996(**3**), and now vested in it(**4**), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Deregulation (Carer's Allowance) Order (Northern Ireland) 2002 and shall come into operation –

(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 operation on or after 1st April 2003 (being powers or subordinate legislation which apart from Article 2 would refer to invalid care allowance), on 21st October 2002; and

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

(2) In this Order –

"the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**5**); and

(**1**) S.I. 2002/1457
(**2**) 2001 c. 6
(**3**) S.I. 1996/1632 (N.I. 11); paragraph (1) was amended by section 7(2) of the Social Security Act (Northern Ireland) 2002 (c. 10 (N.I.)) and paragraph (2) was amended by paragraph 12 of Schedule 3 to the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (S.I. 1997/1183 (N.I. 12)), paragraph 116 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)), paragraph 60 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and section 7(3) of the Social Security Act (Northern Ireland) 2002
(**4**) *See* Article 8(b) of S.R. 1999 No. 481
(**5**) 1992 c. 7

"subordinate legislation" means orders, rules, regulations and other instruments made under any statutory provision.

Invalid care allowance to be known as carer's allowance

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

(2) In each of the following statutory provisions for "invalid care allowance" there shall be substituted "carer's allowance" preceded, where appropriate, by "a" instead of "an" –

(a) in the Contributions and Benefits Act –

(i) section 44A(2)(b)(**6**) (deemed earnings factors);

(ii) section 63(c) (descriptions of non-contributory benefits);

(iii) the cross heading and shoulder heading preceding section 70 (invalid care allowance) and subsections (1) and (9) of that section;

(iv) section 90(**7**) (beneficiaries under sections 68 and 70);

(v) section 146(1)(e) (interpretation of Part X);

(vi) Schedule 4, Part III, paragraph 4 (non-contributory periodical benefits); and

(vii) Schedule 4, Part IV, paragraph 9 (increases for dependants);

(b) in the Social Security Administration (Northern Ireland) Act 1992(**8**) –

(i) section 2A(2)(f)(**9**) (work-focused interviews); and

(ii) section 2AA(2)(e)(**10**) (work-focused interviews for partners); and

(c) in Schedule 2 to the Social Security (Northern Ireland) Order 1998(**11**) (decisions against which no appeal lies), the cross heading preceding paragraph 3.

Amendment of section 70 of the Contributions and Benefits Act

3.—(1) Section 70 of the Contributions and Benefits Act (invalid care allowance) shall be amended in accordance with paragraphs (2) and (3).

(2) After subsection (1) there shall be inserted the following subsection –

"(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) above shall, notwithstanding that he is no longer engaged in caring for a severely disabled person and the requirements of paragraphs (a) and (c) of that subsection are no longer satisfied, continue to be entitled to it 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 8 weeks beginning with the Sunday following the death (or beginning with the date of death if the death occurred on a Sunday),

whichever first occurs.".

(3) Subsections (5) and (6)(**12**) are hereby repealed.

(**6**) Section 44A was inserted by section 29(3) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))
(**7**) Section 90 was amended by paragraph 25 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
(**8**) 1992 c. 8
(**9**) Section 2A was inserted by Article 54 of the Welfare Reform and Pensions (Northern ireland) Order 1999
(**10**) Section 2AA is inserted by section 5 of the Social Security Act (Northern Ireland) 2002
(**11**) S.I. 1998/1506 (N.I. 10)
(**12**) Subsections (5) and (6) were amended by regulation 2(3) of the Social Security (Severe Disablement Allowance and Invalid Care Allowance) (Amendment) Regulations (Northern Ireland) 1994 (S.R. 1994 No. 370)