STATUTORY RULES OF NORTHERN IRELAND

1996 No. 521

SOCIAL SECURITY

The Social Security (Invalid Care Allowance) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*5th November 1996*
Coming into operation	*25th November 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 70 and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Invalid Care Allowance) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 25th November 1996.

Amendment of the Social Security (Invalid Care Allowance) Regulations

2.—(1) The Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(**2**) shall be amended in accordance with paragraphs (2) to (10) of this regulation.

(2) In regulation 2 (interpretation) for paragraph (1) there shall be substituted the following paragraph—

"(1) In these regulations "the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992.".

(3) In regulation 3(1) (prescribed payments, etc.)—

(a) for "section 37 of the Act" there shall be substituted "section 70 of the Contributions and Benefits Act";

(b) for "section 61 of the Act" there shall be substituted "section 104 of the Contributions and Benefits Act";

(c) for "paragraph 7(*a*) of Part V of Schedule 4 to the Act" there shall be substituted "paragraph 2(a) of Part V of Schedule 4 to the Contributions and Benefits Act".

(**1**) 1992 c. 7; section 70 was amended by S.R. 1994 No. 370

(**2**) S.R. 1976 No. 99; relevant amending regulations are S.R. 1981 No. 142, S.R. 1992 No. 95, S.R. 1993 No. 72, S.R. 1994 No. 370, S.R. 1995 No. 429 and S.R. 1996 No. 11

(4) In regulation 5(1)(**3**) (circumstances in which persons are to be regarded as receiving full-time education) for "section 37(3) of the Act" there shall be substituted "section 70(3) of the Contributions and Benefits Act".

(5) In the heading to regulation 6(**4**) (severely disabled persons, etc.) and in that regulation for "section 37(1)(*c*) of the Act" there shall be substituted "section 70(1)(c) of the Contributions and Benefits Act".

(6) In the heading to regulation 7 (manner of electing the person entitled to an invalid care allowance, etc.) and in that regulation for "section 37(7) of the Act" there shall be substituted "section 70(7) of the Contributions and Benefits Act".

(7) In regulation 8 (circumstances in which a person is or is not to be treated as gainfully employed)—

(a) in paragraph (1) for "section 37(1)(*b*) of the Act" there shall be substituted "section 70(1)(b) of the Contributions and Benefits Act";

(b) in paragraph (2) "and" at the end of sub-paragraph (*a*), and sub-paragraph (*c*) shall be omitted.

(8) In regulation 9(1) (conditions relating to residence and presence in Northern Ireland) for "section 37(4) of the Act" there shall be substituted "section 70(4) of the Contributions and Benefits Act".

(9) In regulation 10 (circumstances in which a person over the age of 65 is to be treated as having been entitled to invalid care allowance, etc.) for "section 37(5) of the Act" there shall be substituted "section 70(5) of the Contributions and Benefits Act".

(10) In regulation 11 (invalid care allowance for persons over the age of 65) for "section 37(1)(*a*) or (*b*) of the Act" there shall be substituted "section 70(1)(a) or (b) of the Contributions and Benefits Act".

Saving

3. In a case where regulation 8(2)(*c*) of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976 applied immediately before 25th November 1996, that regulation shall continue to apply in respect of any continuous period throughout which a person is entitled to an invalid care allowance in respect of a severely disabled person and which began on a date before 25th November 1996, as if regulation 2(7)(*b*) of these Regulations had not been made.

Revocation

4. Regulation 5(2) of the Social Security (Severe Disablement Allowance and Invalid Care Allowance) (Amendment) Regulations (Northern Ireland) 1994(**5**) is hereby revoked.

(**3**) Regulation 5 was substituted by regulation 2 of S.R. 1992 No. 95
(**4**) Regulation 6 was substituted by regulation 2 of S.R. 1981 No. 142
(**5**) S.R. 1994 No. 370