1993 No. 165

SOCIAL SECURITY

The Social Security Benefits (Miscellaneous Amendments) Regulations (Northern Ireland) 1993

Made	*31st March 1993*
Coming into operation . .	*1st April 1993*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 67(2), 72(8), 122(1)(*a*), 131(1), 132(4)(*b*) and 133(2)(*c*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and section 71(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Benefits (Miscellaneous Amendments) Regulations (Northern Ireland) 1993 and shall come into operation on 1st April 1993, immediately following the coming into operation of the Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations (Northern Ireland) 1993(**c**).

(2) In these regulations—

"the Attendance Allowance Regulations" means the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(**d**);

"the Disability Living Allowance Regulations" means the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(**e**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**f**).

Amendment of the Attendance Allowance Regulations

2.—(1) The Attendance Allowance Regulations shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In regulation 7 (persons in certain accommodation other than hospitals)—

(a) 1992 c. 7
(b) 1992 c. 8
(c) S.R. 1993 No. 149
(d) S.R. 1992 No. 20; amended by S.R. 1992 Nos. 143 and 481 and S.R. 1993 No. 149
(e) S.R. 1992 No. 32; amended by S.R. 1992 Nos. 144 and 481 and S.R. 1993 No. 149
(f) S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 No. 318, S.R. 1990 No. 131, S.R. 1991 Nos. 46, 338 and 345, S.R. 1992 No. 403 and S.R. 1993 No. 149

(*a*) in paragraph (1)(*a*) "7," shall be omitted;

(*b*) in paragraph (3)(*b*) after "accommodation" there shall be inserted ", and has a preserved right for the purposes of regulation 5(5) of the Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations (Northern Ireland) 1993";

(*c*) in paragraph (4) at the beginning there shall be inserted "Subject to paragraph (4A),"; and

(*d*) after paragraph (4) there shall be inserted the following paragraph—

"(4A) Paragraph (4)(*b*) shall apply in the case of a person who does not have a preserved right for the purposes of regulation 5(5) of the Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations (Northern Ireland) 1993 as if the words from "and at least 3 other persons" to "their relatives" were omitted.".

(3) In regulation 8(**a**) (exemption from regulations 6 and 7)—

(*a*) in paragraph (4) after "shall not apply" there shall be inserted ", except in a case to which paragraph (7) applies,";

(*b*) in paragraph (5) after "or other institution" there shall be inserted "whose primary function is to provide palliative care for persons resident there who are suffering from a progressive disease in its final stages,";

(*c*) in paragraph (6) after "shall not apply" there shall be inserted ", except in a case to which paragraph (7) applies,"; and

(*d*) after paragraph (6) there shall be added the following paragraph—

"(7) This paragraph applies in the case of a person who is in residential accommodation provided under Article 15 of the Order(**b**) which is managed by a Health and Social Services Board.".

Amendment of the Disability Living Allowance Regulations

3.—(1) The Disability Living Allowance Regulations shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In regulation 9 (persons in certain accommodation other than hospitals)—

(*a*) in paragraph (1)(*a*) "7," shall be omitted;

(*b*) in paragraph (4) for "a Health and Social Services Board or the Department" there shall be substituted "an Education and Library Board or the Department of Education";

(*c*) in paragraph (6)(*c*) after "accommodation" there shall be inserted ", and has a preserved right for the purposes of regulation 4(4) of the Social Security Benefits (Amendments Consequential Upon the

(**a**) Paragraphs (4), (5) and (6) were added by S.R. 1993 No. 149

(**b**) Article 15 was extended by sections 1 and 2 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53) and amended by Schedule 5 to the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)) and paragraph 2(2) of Schedule 1 to the Registered Homes (Northern Ireland) Order 1992 (S.I. 1992/3204 (N.I. 20))

Introduction of Community Care) Regulations (Northern Ireland) 1993";

(*d*) in paragraph (7) at the beginning there shall be inserted "Subject to paragraph (7A),"; and

(*e*) after paragraph (7) there shall be inserted the following paragraph—

"(7A) Paragraph (7)(*b*) shall apply in the case of a person who does not have a preserved right for the purposes of regulation 4(4) of the Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations (Northern Ireland) 1993 as if the words from "and at least 3 other persons" to "their relatives" were omitted.".

(3) In regulation 10(**a**) (exemption from regulations 8 and 9)—

(*a*) in paragraph (6) after "shall not apply" there shall be inserted ", except in a case to which paragraph (9) applies,";

(*b*) in paragraph (7) after "or other institution" there shall be inserted "whose primary function is to provide palliative care for persons resident there who are suffering from a progressive disease in its final stages,";

(*c*) in paragraph (8) after "shall not apply" there shall be inserted ", except in a case to which paragraph (9) applies,"; and

(*d*) after paragraph (8) there shall be added the following paragraph—

"(9) This paragraph applies in the case of a person who is in residential accommodation provided under Article 15 of the Order which is managed by a Health and Social Services Board.".

Amendment of the Income Support Regulations

4.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (5) of this regulation.

(2) In regulation 6 (persons not treated as engaged in remunerative work) for paragraph (*g*) there shall be substituted the following paragraph—

"(*g*) he is in employment, and—

(i) lives in, or is temporarily absent from, a residential care home, a nursing home or residential accommodation, and either

(ii) his, or his partner's, applicable amount falls to be calculated in accordance with Part I of Schedule 4 (applicable amounts of persons in residential care and nursing homes) or, as the case may be, paragraph 9, 10 to 10C, 13, 14 or 16 of Schedule 7 (applicable amounts in special cases), or

(iii) he or his partner satisfies the conditions specified in paragraph 2A(2) of Part I of Schedule 2 (conditions of entitlement for a residential allowance);".

(**a**) Paragraphs (6), (7) and (8) were added by S.R. 1993 No. 149