**1983 No. 418**

**SOCIAL SECURITY**

# The Social Security (Attendance Allowance) (Amendment No. 3) Regulations (Northern Ireland) 1983

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| *Made* . . . . . | *14th December 1983* |
| *Coming into operation* . . . | *26th December 1983* |

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 35(6) of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**b**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the Social Security (Attendance Allowance) (Amendment No. 3) Regulations (Northern Ireland) 1983 and shall come into operation on 26th December 1983.

(2) In these regulations "the principal regulations" means the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1975(**c**).

*Amendment of the principal regulations*

**2.**—(1) The principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) Regulation 1 (citation, commencement and interpretation) shall be amended in the following manner—

(*a*) after the definition of "a local office" there shall be inserted the following definition—

""Scheduled enactment" means any enactment referred to in the Schedule to these regulations;";

(*b*) after paragraph (2) there shall be inserted the following paragraph—

"(2A) For the purposes of regulations 4 and 7(1)(*b*) references to the cost of the accommodation shall not include the cost of—

(*a*) domiciliary services provided in respect of a person or child in a private dwelling; or

(*b*) improvements made to, or furniture or equipment provided for, a private dwelling on account of the needs of a person or child under disability; or

(*c*) improvements made to, or furniture or equipment provided for, residential homes or other homes or premises in respect of which a grant or payment has been made out of public or local funds except where the grant or payment is of a regular or repeated nature; or

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(**a**) 1975 c. 15
(**b**) 1980 c. 30
(**c**) S.R. 1975 No. 102; the relevant amending regulations are S.R. 1977 No. 250, S.R. 1979 No. 458 and S.R. 1983 Nos. 203 and 217

(*d*) social and recreational activities provided outside the accommodation in respect of which grants or payments are made out of public or local funds; or

(*e*) the purchase or running of a motor vehicle to be used in connection with the accommodation in respect of which grants or payments are made out of public or local funds; or

(*f*) such other services, amenities and requisites as the Department may direct.''.

(3) For regulation 4 (adults in certain accommodation other than hospitals) there shall be substituted the following regulation—

''Adults in certain accommodation other than hospitals

**4.**—(1) Except in the cases specified in paragraphs (2) and (3) and subject to regulation 5, attendance allowance shall not be payable in respect of a person who has attained the age of 16 for any period during which that person is living in accommodation—

(*a*) provided for him in pursuance of Article 5, 7, 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**); or

(*b*) provided for him in circumstances in which the cost of the accommodation is being borne wholly or partly out of public or local funds in pursuance of a Scheduled enactment; or

(*c*) provided for him in circumstances in which the cost of the accommodation may be borne wholly or partly out of public or local funds in pursuance of a Scheduled enactment.

(2) Paragraph (1) shall not apply in the case of a person under the age of 18, who is provided with accommodation in a private dwelling in pursuance of Article 36(1)(*b*) of the Health and Personal Social Services (Northern Ireland) Order 1972.

(3) Paragraph (1)(*c*) shall not apply in respect of the following accommodation—

(*a*) temporary accommodation provided for the homeless; or

(*b*) accommodation in such other case or class of case as the Department may direct.''.

(4) In regulation 7 (children in hospital and certain other accommodation)—

(*a*) for paragraph (1)(*b*) there shall be substituted—

''(*b*) the child is living in accommodation—

(i) provided for him in pursuance of Article 5, 7, 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972; or

(ii) provided for him in circumstances in which the cost of the accommodation is being borne wholly or partly out of public or local funds in pursuance of a Scheduled enactment; or

(iii) provided for him in circumstances in which the cost of the accommodation may be borne wholly or partly out of public or local funds in pursuance of a Scheduled enactment; or'';

(*b*) after paragraph (1) there shall be inserted the following paragraphs—

''(1A) Paragraph (1)(*b*) shall not apply in the case of a child who is provided with accommodation in a private dwelling in pursuance of Article 36(1)(*b*) of the Health and Personal Social Services (Northern Ireland) Order 1972.

(a) S.I. 1972/1265 (N.I. 14); Article 36 was amended by Article 11(2) of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26))