1979 No. 458

SOCIAL SECURITY

The Social Security (Attendance Allowance) (Amendment No. 2) Regulations (Northern Ireland) 1979

Made . . . . . 19*th December* 1979
Coming into operation . . . 14*th January* 1980

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 35(1) and (6), and 106 of the Social Security (Northern Ireland) Act 1975(**a**) 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 (Attendance Allowance) (Amendment No. 2) Regulations (Northern Ireland) 1979 and shall come into operation on 14th January 1980.

(2) In these regulations the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1975(**b**) are referred to as "the principal regulations".

Amendment of regulation 7 of the principal regulations

2.—(1) Regulation 7 of the principal regulations (children in hospital and certain other accommodation) shall be amended in accordance with the following provisions of this regulation.

(2)(*a*) In paragraph (1)(*b*) the words "and is not living with his mother or father" shall be deleted; and

(*b*) at the end of the regulation there shall be added the following paragraph—

"(5) For the purposes of paragraph (1)(*b*), a child who is under the care of a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**c**) shall not be treated as living in accommodation described in that paragraph while he is allowed to be under the charge and control of, and is living with, his mother or his father.".

Amendment of regulation 9 of the principal regulations

3. Regulation 9 of the principal regulations (reviews of determinations made by the Board) shall be amended by the substitution, for paragraph (2) of that regulation (notification of determination on application for review), of the following—

"(2) Where the Board, having where appropriate given leave under regulation 8(2), have reviewed a determination or have refused to review a determination, the claimant and the Department shall be notified in writing of the determination on the review or of that refusal, as the case may be, and, where review is refused or the determination on review is not more favourable to the claimant than the determination reviewed, the claimant and the Department shall, subject to the provisions of paragraph (3), also be notified in writing of the reasons for such refusal or determination, and the claimant shall be notified of the conditions governing an appeal to a Commissioner.

(**a**) 1975 c. 15
(**b**) S.R. 1975 No. 102 (I, p. 620), as amended by S.R. 1977 No. 250 (II, p. 1347)
(**c**) S.I. 1972/1265 (N.I. 14)