

1990 No. 340

SOCIAL SECURITY

**The Social Security (Attendance Allowance and Claims
and Payments) (Amendment) Regulations
(Northern Ireland) 1990**

Made 20th September 1990

Coming into operation 5th October 1990

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 35(5) of the Social Security (Northern Ireland) Act 1975(a) and Article 52(1)(g) and (q) of the Social Security (Northern Ireland) Order 1986(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 (Attendance Allowance and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1990 and shall come into operation on 5th October 1990.

(2) In these regulations—

“the Attendance Allowance Regulations” means the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1987(c);

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(d).

(3) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Attendance Allowance Regulations

2. In regulation 10(1) of the Attendance Allowance Regulations (modification of section 35(1) to (4) in its application to children) for “Subsections (1) to (4) of section 35” there shall be substituted “Except where the child is one to whom subsection (2B) of section 35 of the Act(f) applies, subsections (1) to (4) of that section”.

(a) 1975 c. 15

(b) S.I. 1986/1888 (N.I. 18)

(c) S.R. 1987 No. 413; the relevant amending regulations are S.R. 1988 No. 129 and S.R. 1990 No. 93

(d) S.R. 1987 No. 465; to which there are amendments not relevant to these regulations

(e) 1954 c. 33 (N.I.)

(f) Section 35(2B) was inserted by Article 3(1) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)) and comes into operation on 1st October 1990 by virtue of Article 2(f) of the Social Security (1990 Order) (Commencement No. 1) Order (Northern Ireland) 1990 (S.R. 1990 No. 307 (C. 13))

Amendment of the Claims and Payments Regulations

3. After regulation 35 of the Claims and Payments Regulations (payment to a partner as alternative payee) there shall be added the following regulation—

“Claims for and payment of attendance allowance where section 35(2B) of the Act applies to a child

35A.—(1) In this regulation “child” means a person who is under the age of 16.

(2) Where a child claims or is regarded as claiming an attendance allowance on the ground that he is a terminally ill person^(a) the Department shall, in accordance with paragraphs (3) and (4), appoint a person to exercise on behalf of that child, any right to which he may be entitled under the Act in connection with the allowance and to receive and deal on his behalf with any sums payable by way of that allowance.

(3) A person appointed by the Department shall be—

- (a) in the case of a child living with his mother, his mother;
- (b) in the case of a child who is not living with his mother but is living with his father, his father;
- (c) in the case of a child who is living with a person who is neither his mother nor his father, the person with whom the child is living; or
- (d) in any case to which sub-paragraphs (a) to (c) do not apply, such person as the Department may determine.

(4) Where the Department has made an appointment under paragraphs (2) and (3)—

- (a) it may at any time revoke it;
- (b) the person appointed may resign his office having given the Department one month’s notice in writing of his intention to do so;
- (c) any such appointment shall cease to have effect on the day the child attains the age of 16.”

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th September 1990.

(L.S.)

C. Davie

Assistant Secretary

(a) Section 35(2B) was inserted by Article 3(1) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)) and comes into operation on 1st October 1990 by virtue of Article 2(f) of the Social Security (1990 Order) (Commencement No. 1) Order (Northern Ireland) 1990 (S.R. 1990 No. 307 (C. 13))

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations which come into operation on 5th October 1990 further amend the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1987 ("the Attendance Allowance Regulations") and the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987. They are consequential upon the coming into operation of Article 3(1) of the Social Security (Northern Ireland) Order 1990 on 1st October 1990 by virtue of Article 2(f) of the Social Security (1990 Order) (Commencement No. 1) Order (Northern Ireland) 1990 (S.R. 1990 No. 307 (C. 13)).

Regulation 2 exempts a child who is terminally ill from the need to satisfy any of the additional requirements for attendance allowance imposed by regulation 10 of the Attendance Allowance Regulations.

Regulation 3 enables the Department to appoint a person with whom the child is living to act on behalf of the child in connection with his claim for an attendance allowance and for that appointee to receive any sums payable by way of attendance allowance. Provision is made for the termination of any appointment.

The regulations correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

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**Temporary Speed Limit (Ballymena Road, Route A8,
Larne) (No. 2) Order (Northern Ireland) 1990**

This Order, being of a temporary character, is not printed at length in this volume.