

1992 No. 144

SOCIAL SECURITY

**The Social Security (Disability Living Allowance)
(Amendment) Regulations (Northern Ireland) 1992**

Made 20th March 1992

Coming into operation 6th April 1992

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 37ZB(8) and 85(1)(b) 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 (Disability Living Allowance) (Amendment) Regulations (Northern Ireland) 1992 and shall come into operation on 6th April 1992.

(2) In these regulations “the principal regulations” means the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(b).

Amendment of regulation 9 of the principal regulations

2.—(1) Regulation 9 of the principal regulations (persons in certain accommodation other than hospitals) shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In paragraph (1) for the words from “paragraphs (2) and (4)” to “paragraphs (5) to (7)” there shall be substituted “paragraphs (2) to (7)”.

(3) In paragraph (5) for “Paragraph (1)(b) and (c)” there shall be substituted “Paragraph (1)(b), in so far as it relates to enactments relating to persons under disability or to young persons or to education or training not referred to in paragraph (1)(a), and paragraph (1)(c)”.

Amendment of regulation 10 of the principal regulations

3. In regulation 10(4) of the principal regulations (exemption from regulations 8 and 9) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) would, but for this regulation, be prevented from receiving the care component by reason of regulation 9(1).”.

(a) 1975 c. 15; section 37ZB(8) was inserted by Article 3(2) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 (S.I. 1991/1712 (N.I. 17))

(b) S.R. 1992 No. 32

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th March 1992.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations, which come into operation on 6th April 1992, amend the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992 ("the principal regulations"). They make in relation to Northern Ireland only provision corresponding 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.

Regulation 2 amends regulation 9(5) of the principal regulations so as to limit the exception that, in specified circumstances, the care component of a disability living allowance shall be paid to a person living in certain accommodation.

Regulation 3 amends regulation 10(4) of the principal regulations so as to extend the exceptions to the requirement that the care component of a disability living allowance should not be paid to people in certain accommodation.

Section 37ZB(8) of the Social Security (Northern Ireland) Act 1975, is one of the enabling provisions under which these regulations are made. It is inserted by Article 3(2) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991, and is brought into operation on 6th April 1992 by virtue of Article 2 of the Disability Living Allowance and Disability Working Allowance (1991 Order) (Commencement No. 2) Order (Northern Ireland) 1991 (S.R. 1991 No. 501 (C. 24)).