

1995 No. 429

SOCIAL SECURITY

The Social Security (Invalid Care Allowance) (Amendment) Regulations (Northern Ireland) 1995

Made 16th November 1995

Coming into operation 12th December 1995

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 70(8) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Invalid Care Allowance) (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 12th December 1995.

Amendment of the Social Security (Invalid Care Allowance) Regulations

2. In regulation 8(2) of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(b) (disregard of person's earnings in certain circumstances)—

(a) at the end of sub-paragraph (a) there shall be added "and";

(b) sub-paragraph (b) is hereby revoked.

Saving provision

3. In a case where regulation 8(2)(b) of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976 applied immediately before the coming into operation of these Regulations, that regulation shall continue to apply during any period beginning with that date throughout which the conditions of that regulation are satisfied, as if regulation 2 of these Regulations had not been made.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 16th November 1995.

(L.S.)

W. G. Purdy

Assistant Secretary

(a) 1992 c. 7

(b) S.R. 1976 No. 99, to which there are amendments not relevant to these Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Regulation 8(1) of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976 ("the principal Regulations") provides that a person is not to be treated as gainfully employed on any day in a week unless his earnings in the immediately preceding week have exceeded a specified amount. Regulation 8(2)(b) of those Regulations provides that there is to be disregarded for the purposes of paragraph (1) of that regulation a person's earnings for any week throughout which he is absent from his employment with the authority of his employer.

Regulation 2 of these Regulations revokes regulation 8(2)(b) of the principal Regulations. Regulation 3 makes a saving in respect of those persons to whom regulation 8(2)(b) applied immediately before the revocation took effect.

These Regulations 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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.