STATUTORY RULES OF NORTHERN IRELAND

1999 No. 107

The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1999

Amendment of the Disability Working Allowance (General) Regulations

5. In regulation 15A of the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**1**) (treatment of child care charges)—

(a) in paragraph (1) after "is incurring" there shall be inserted "or in the case of a claimant to whom paragraph (6A) applies, will incur";

(b) in paragraph (2) at the end of the definition of "relevant child care charges"(**2**)(b) there shall be added—
"or, in the case of a claimant to whom paragraph (6A) applies, with paragraphs (6B) and (6C)";

(c) in paragraph (2A)(**3**) after sub-paragraph (b) there shall be added the following sub-paragraph—

"(c) in the definition of "relevant child care charges" the words "charges paid" shall be taken to include charges which will be incurred and to which paragraph (6A) applies.";

(d) after paragraph (6) there shall be inserted the following paragraphs—

"(6A) Where a claimant—

(a) has entered into an agreement for the provision of child care; and

(b) will incur under that agreement relevant child care charges in respect of child care during the period of the disability working allowance award,

the weekly charge for child care shall be calculated in accordance with paragraphs (6B) and (6C), based upon a written estimate of the relevant future charges provided by the claimant and child minder or other child care provider.

(6B) Subject to paragraph (6C), relevant child care charges which fall under paragraph (6A) shall be calculated in accordance with the formula—

$$\frac{X - Y}{52}$$

where—

X is the weekly estimate provided by the child minder or other child care provider for child care in those weeks which will fall in school term-time in respect of the child or children concerned, multiplied by 39, and

(**1**) S.R. 1992 No. 78; relevant amending Regulations are S.R. 1994 No. 274, S.R. 1995 No. 86, S.R. 1996 No. 476, S.R. 1997 No. 515 and S.R. 1998 No. 2

(**2**) The definition of "relevant child care charges" was amended by regulation 5 of S.R. 1995 No. 86, regulation 7 of S.R. 1996 No. 476, regulation 2 of S.R. 1997 No. 515 and regulation 7 of S.R. 1998 No. 2

(**3**) Paragraph (2A) was substituted by regulation 7(3) of S.R. 1996 No. 476

Y is the weekly estimate provided by the child minder or other child care provider for child care in those weeks which will fall out of school term-time in respect of the child or children concerned, multiplied by 13.

(6C) Where relevant child care charges fall under paragraph (6A) and they are in respect of a child who does not attend school, the relevant child care charges shall mean the weekly estimate provided by the child minder or other child care provider multiplied by the number of weeks during the period of the disability working allowance award in which relevant child care charges will be paid, divided by 26.”.