
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 74

**The Social Security (Miscellaneous Amendments)
Regulations (Northern Ireland) 2000**

Invalid care allowance

4.—(1) In paragraph 4(b) of Schedule 1B to the Income Support Regulations (prescribed categories of persons: persons caring for another person) for “who is in receipt of” there shall be substituted “who is both entitled to, and in receipt of,”.

(2) In Schedule 2 to the Income Support Regulations (applicable amounts)—

(a) in paragraph 13 (severe disability premium)—

(i) for sub-paragraph (2)(a)(iii)(1) there shall be substituted the following sub-head—

“(iii) no person is entitled to, and in receipt of, an invalid care allowance under section 70 of the Contributions and Benefits Act in respect of caring for him;”;

(ii) in sub-paragraph 2(b)—

(aa) at the beginning for “where he” there shall be substituted “in the case of a claimant who”;

(bb) for the words from “an invalid care allowance” to “to anyone” there shall be substituted “a person is entitled to, and in receipt of, an invalid care allowance in respect of caring for only one of the couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage or, as the case may be, no person is entitled to, and in receipt of, such an allowance”;

(iii) in sub-paragraph (3A)(2)—

(aa) “as being in receipt of” shall be omitted;

(bb) at the beginning of head (a)(3) there shall be inserted “as being in receipt of”;

(cc) for head (b) there shall be substituted the following head—

“(b) as being entitled to and in receipt of an invalid care allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.”;

(b) in paragraph 14ZA(4) (carer premium)—

(1) Paragraph 13(2)(a)(iii) was amended by regulation 6(f)(i) of S.R. 1989 No. 395

(2) Paragraph 13(3A) was inserted by regulation 30(d) of S.R. 1988 No. 146

(3) Head (a) was amended by regulation 10(4)(c) of S.R. 1992 No. 6

(4) Paragraph 14ZA was inserted by regulation 6(d) of S.R. 1990 No. 346

- (i) in sub-paragraph (1)(5) for “in receipt of an invalid care allowance under section 37 of the principal Act” there shall be substituted “entitled to an invalid care allowance under section 70 of the Contributions and Benefits Act”;
 - (ii) in sub-paragraph (2)(6) for “in receipt of” in the last place where those words occur there shall be substituted “entitled to”;
 - (iii) for sub-paragraphs (3) and (4)(7) there shall be substituted the following sub-paragraphs—
 - “(3) Where a carer premium is awarded but the person in respect of whom it has been awarded ceases to be entitled to an invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the date on which—
 - (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in head (b) of that sub-paragraph;
 - (b) in any other case, that person ceased to be entitled to an invalid care allowance.
 - (4) Where a person who has been entitled to an invalid care allowance ceases to be entitled to that allowance and makes a claim for income support, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—
 - (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in head (b) of that sub-paragraph;
 - (b) in any other case, that person was last entitled to an invalid care allowance.”.
- (3) In Schedule 1 to the Jobseeker’s Allowance Regulations (applicable amounts)—
- (a) in paragraph 15 (severe disability premium)—
 - (i) for sub-paragraph (1)(c) there shall be substituted the following—
 - “(c) no person is entitled to, and in receipt of, an invalid care allowance under section 70 of the Benefits Act in respect of caring for him;”;
 - (ii) in sub-paragraph (2)(d)—
 - (aa) in sub-head (i) for the words from the beginning to “engaged in” there shall be substituted “no person is entitled to, and in receipt of, an invalid care allowance under section 70 of the Benefits Act in respect of”;
 - (bb) in sub-head (ii) for “in receipt of” there shall be substituted “entitled to”;
 - (iii) in sub-paragraph (5)—
 - (aa) “as being in receipt of” shall be omitted;
 - (bb) at the beginning of head (a) there shall be inserted “as being in receipt of”;
 - (cc) for head (b) there shall be substituted the following head—
 - “(b) as being entitled to and in receipt of an invalid care allowance if he would, but for the person for whom he was caring being a

(5) Sub-paragraph (1) was amended by regulation 13(d)(i) of S.R. 1991 No. 338

(6) Sub-paragraph (2) was amended by regulation 10(4)(e) of S.R. 1992 No. 6

(7) Sub-paragraphs (3) and (4) were added by regulation 13(d)(ii) of S.R. 1991 No. 338

patient in hospital for a period exceeding 28 days, be so entitled and in receipt.”;

(b) in paragraph 17 (carer premium)—

- (i) in sub-paragraph (1) for “in receipt of” there shall be substituted “entitled to an”;
- (ii) in sub-paragraph (2) for “in receipt of” in the first place where those words occur there shall be substituted “entitled to”;
- (iii) for sub-paragraphs (3) and (4) there shall be substituted the following sub-paragraphs—

“(3) Where a carer premium is awarded but the person in respect of whom it has been awarded ceases to be entitled to an invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in head (c) of that sub-paragraph;
- (b) in any other case, that person ceased to be entitled to an invalid care allowance.

(4) Where a person who has been entitled to an invalid care allowance ceases to be entitled to that allowance and makes a claim for a jobseeker’s allowance, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in head (c) of that sub-paragraph;
- (b) in any other case, that person was last entitled to an invalid care allowance.”.

(4) In Schedule 2 to the Housing Benefit Regulations (applicable amounts)—

(a) in paragraph 13 (severe disability premium)—

- (i) for sub-paragraph (2)(a)(iii)(8) there shall be substituted the following sub-head—

“(iii) no person is entitled to, and in receipt of, an invalid care allowance under section 70 of the Contributions and Benefits Act in respect of caring for him;”;
- (ii) in sub-paragraph 2(b) for the words from “an invalid care allowance” to “to anyone” there shall be substituted “a person is entitled to and in receipt of an invalid care allowance in respect of caring for only one of the couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage or, as the case may be, no person is entitled to and in receipt of such an allowance”;
- (iii) in sub-paragraph (3A)(9)—
 - (aa) “as being in receipt of” shall be omitted;
 - (bb) at the beginning of head (a) there shall be inserted “as being in receipt of”;
 - (cc) for head (b) there shall be substituted the following head—

“(b) as being entitled to and in receipt of an invalid care allowance if he would, but for the person for whom he was caring being a

(8) Paragraph 13(2)(a)(iii) was amended by regulation 10(e) of S.R. 1990 No. 136

(9) Paragraph 13(3A) was inserted by regulation 3(2) of S.R. 1996 No. 93

patient in hospital for a period exceeding 28 days, be so entitled and in receipt.”;

(b) in paragraph 14ZA(10) (carer premium)—

- (i) in sub-paragraph (1) for “in receipt of an invalid care allowance under section 37 of the principal Act” there shall be substituted “entitled to an invalid care allowance under section 70 of the Contributions and Benefits Act”;
- (ii) in sub-paragraph (2)(11) for “in receipt of” in the last place where those words occur there shall be substituted “entitled to”;
- (iii) for sub-paragraphs (3) and (4)(12) there shall be substituted the following sub-paragraphs—

“(3) Where a carer premium is awarded but the person in respect of whom it has been awarded ceases to be entitled to an invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in head (b) of that sub-paragraph;
- (b) in any other case, that person ceased to be entitled to an invalid care allowance.

(4) Where a person who has been entitled to an invalid care allowance ceases to be entitled to that allowance and makes a claim for housing benefit, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in head (b) of that sub-paragraph;
- (b) in any other case, that person was last entitled to an invalid care allowance.”.

(10) Paragraph 14ZA was inserted by regulation 9(d) of S.R. 1990 No. 345

(11) Sub-paragraph (2) was amended by regulation 11(4) of S.R. 1992 No. 6

(12) Sub-paragraphs (3) and (4) were added by regulation 16(d) of S.R. 1991 No. 337