
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 229

**The Social Security (Disability Living Allowance,
Attendance Allowance and Carer’s Allowance)
(Amendment) Regulations (Northern Ireland) 2016**

Amendment of the Social Security (Invalid Care Allowance) Regulations

2.—(1) The Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976⁽¹⁾ are amended in accordance with paragraphs (2) and (3).

(2) In regulation 9 (conditions relating to residence and presence in Northern Ireland)—

(a) in paragraph (1)⁽²⁾—

- (i) after “this regulation” insert “and regulations 9A and 9B of these regulations”;
- (ii) in sub-paragraph (a), for “ordinarily resident in Northern Ireland”, substitute “habitually resident in the United Kingdom, the Republic of Ireland, the Isle of Man or the Channel Islands”; and
- (iii) in sub-paragraph (c), for “26 weeks in the 12 months”, substitute “104 weeks in the 156 weeks”; and

(b) for paragraph (3)⁽³⁾ substitute—

“(3) Notwithstanding that on any day a person is absent from Northern Ireland, he shall be treated as though he were—

(a) habitually resident and present in Northern Ireland for the purposes of paragraphs (1)(a) to (c) if—

- (i) his absence is by reason only of the fact that on that day he is abroad in his capacity as a serving member of the forces and for this purpose “serving member of the forces” has the meaning given in regulation 1(2) of the Social Security (Contributions) Regulations 2001⁽⁴⁾ (“the 2001 Regulations”); or
- (ii) he is living with a person mentioned in sub-paragraph (a)(i) and is the spouse, civil partner, son, daughter, step-son, step-daughter, father, father-in-law, step-father, mother, mother-in-law or step-mother of that person; and

(b) present in Northern Ireland for the purposes of paragraph (1)(b) and (c) of this regulation if his absence is by reason only of the fact that on that day he is—

(1) [S.R. 1976 No. 99](#). Relevant amending Regulations are [S.R. 1977 No. 73](#), [S.R. 1996 Nos. 11 and 521](#), [S.R. 2000 No. 71](#), [S.R. 2002 No. 323](#) and [S.R. 2005 No. 536](#).

(2) Paragraph (1) was amended by regulation 2(a) of [S.R. 1996 No. 11](#), regulation 2(8) of [S.R. 1996 No. 521](#), regulation 3(a) of [S.R. 2000 No. 71](#) and paragraph 1 of the Schedule to [S.R. 2002 No. 323](#).

(3) Paragraph (3) was substituted by regulation 17 of [S.R. 1977 No. 73](#) and amended by paragraph 5 of Schedule 3 to [S.R. 2005 No. 536](#).

(4) [S.I. 2001/1004](#), to which there are amendments not relevant to these Regulations.

- (i) abroad in his capacity as an airman within the meaning of regulation 111 of the 2001 Regulations or a mariner within the meaning of regulation 115 of those Regulations; or
 - (ii) in prescribed employment in connection with continental shelf operations within the meaning of regulation 114(1) of the 2001 Regulations.”
- (3) After regulation 9 insert—

“Persons residing in Northern Ireland to whom a relevant EU Regulation applies

- 9A.**—(1) Regulation 9(1)(c) of these regulations shall not apply where on any day—
- (a) the person is habitually resident in Northern Ireland;
 - (b) a relevant EU Regulation applies; and
 - (c) the person can demonstrate a genuine and sufficient link to the United Kingdom social security system.

(2) For the purposes of paragraph (1)(b) of this regulation and regulation 9B of these regulations, “relevant EU Regulation” has the meaning given by Article 89(2) of the Welfare Reform (Northern Ireland) Order 2015(5).

Persons residing in an EEA state other than the United Kingdom or in Switzerland to whom a relevant EU Regulation applies

- 9B.** Regulation 9(1)(a) to (c) of these regulations shall not apply where on any day—
- (a) the person is habitually resident in—
 - (i) an EEA state other than the United Kingdom; or
 - (ii) Switzerland;
 - (b) a relevant EU Regulation applies; and
 - (c) the person can demonstrate a genuine and sufficient link to the United Kingdom social security system.”