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STATUTORY INSTRUMENTS

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**1992 No. 470**

**SOCIAL SECURITY**

**The Social Security (Invalid Care Allowance) Amendment Regulations 1992**

<i>Made</i>	- - - -	<i>3rd March 1992</i>
<i>Laid before Parliament</i>		<i>11th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 37(8) and 166(1) to (3) of, and Schedule 20 to, the Social Security Act 1975(1), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(2), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Invalid Care Allowance) Amendment Regulations 1992 and shall come into force on 6th April 1992.

(2) In these Regulations “the principal Regulations” means the Social Security (Invalid Care Allowance) Regulations 1976(3).

**Substitution of regulation 5 of the principal Regulations**

2. For regulation 5 of the principal Regulations (circumstances in which persons are to be regarded as receiving full-time education) there shall be substituted the following regulation—

“5.—(1) For the purposes of section 37(3) of the Act, a person shall be treated as receiving full-time education for any period during which he attends a course of education at a university, college, school or other educational establishment for twenty-one hours or more a week.

(2) In calculating the hours of attendance under paragraph (1) of this regulation—

(a) there shall be included the time spent receiving instruction or tuition, undertaking supervised study, examination or practical work or taking part in any exercise,

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(1) 1975 c. 14. Schedule 20 is cited for the meaning it ascribes to the words “Prescribe” and “Regulations”.

(2) See section 61(1) and (10) of the Social Security Act 1986 (c. 50). The definition of “regulations” was added to section 61(10) by the Social Security Act 1989 (c. 24), Schedule 8, paragraph 12(4).

(3) S.I.1976/409.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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experiment or project for which provision is made in the curriculum of the course;  
and

(b) there shall be excluded any time occupied by meal breaks or spent on unsupervised study, whether undertaken on or off the premises of the educational establishment.

(3) In determining the duration of a period of full-time education under paragraph (1) of this regulation, a person who has started on a course of education shall be treated as attending it for the usual number of hours per week throughout any vacation or any temporary interruption of his attendance until the end of the course or such earlier date as he abandons it or is dismissed from it.”.

### **Amendment of regulation 8 of the principal Regulations**

3. In regulation 8(1) of the principal Regulations (circumstances in which a person is or is not to be treated as gainfully employed), for the sum of “£30” in each place where it occurs, there shall be substituted the sum of “£40”.

### **Revocation**

4. The Social Security (Invalid Care Allowance) Amendment Regulations 1991(4) are hereby revoked.

Signed by authority of the Secretary of State for Social Security.

3rd March 1992

*Nicholas Scott*  
Minister of State,  
Department of Social Security

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(4) S.I. 1991/307.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Invalid Care Allowance) Regulations 1976 (“the principal Regulations”).

Regulation 2 substitutes a new regulation 5 of the principal Regulations. It provides that for the purposes of section 37(3) of the Social Security Act 1975 a person shall be treated as receiving full-time education if he attends a university, college, school or other educational establishment for 21 hours or more per week. It specifies the activities to be taken into account in calculating the hours of attendance and provides for vacations and temporary interruptions to be included when determining the duration of a period of full-time education.

Regulation 3 increases, from £30 to £40, the amount specified in regulation 8(1) of the principal Regulations so that a person shall not be treated as gainfully employed on any day in a week unless his earnings in the immediately preceding week have exceeded £40.

Regulation 4 contains a revocation consequent upon the coming into force of these Regulations.