
STATUTORY INSTRUMENTS

1996 No. 2744

SOCIAL SECURITY

The Social Security (Invalid Care Allowance) Amendment Regulations 1996

Made - - - - 28th October 1996
Laid before Parliament 30th October 1996
Coming into force - - 25th November 1996

The Secretary of State for Social Security, in exercise of the powers conferred by sections 70 and 175 (1) and (3) of the Social Security Contributions and Benefits Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it⁽²⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Invalid Care Allowance) Amendment Regulations 1996 and shall come into force on 25th November 1996.

Amendment of the Social Security (Invalid Care Allowance) Regulations 1976

2.—(1) The Social Security (Invalid Care Allowance) Regulations 1976⁽³⁾ shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) for paragraph (1) there shall be substituted the following paragraph—

“(1) In these Regulations, “the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992⁽⁴⁾.”

(3) In regulation 3(1) (prescribed payments etc)

(a) for the words “section 37 of the Act” there shall be substituted the words “section 70 of the Contributions and Benefits Act”;

(1) 1992 c. 4. Section 70 was amended by S.I.1994/2556.

(2) See section 173(1)(b) and (7) of the Social Security Administration Act 1992 (c. 5).

(3) S.I. 1976/409; relevant amending instruments are S.I. 1977/342, 1981/655, 1991/2742, 1992/470, 1993/316, 1994/2556, 1995/2935 and 1996/30.

(4) 1992 c. 4.

- (b) for the words “section 61 of the Act” there shall be substituted the words “section 104 of the Contributions and Benefits Act”; and
 - (c) for the words “paragraph 7(a) of Part V of Schedule 4 to the Act” there shall be substituted the words “paragraph 2(a) of Part V of Schedule 4 to the Contributions and Benefits Act”.
- (4) In regulation 5(1) (circumstances in which persons are to be regarded as receiving full-time education) for the words “section 37(3) of the Act” there shall be substituted the words “section 70(3) of the Contributions and Benefits Act”.
- (5) In the heading to regulation 6 (severely disabled persons etc) and in that regulation for the words “section 37(1)(c) of the Act” there shall be substituted the words “section 70(1)(c) of the Contributions and Benefits Act”.
- (6) In the heading to regulation 7 (manner of electing the person entitled to an invalid care allowance etc) and in that regulation for the words “section 37(7) of the Act” there shall be substituted the words “section 70(7) of the Contributions and Benefits Act”.
- (7) In regulation 8 (circumstances in which a person is or is not to be treated as gainfully employed)—
- (a) in paragraph (1) for the words “section 37(1)(b) of the Act” there shall be substituted the words “section 70(1)(b) of the Contributions and Benefits Act”;
 - (b) at the end of paragraph (2)(a) the word “and” shall be omitted; and
 - (c) paragraph (2)(c) shall be omitted.
- (8) In regulation 9 (conditions relating to residence and presence in Great Britain)—
- (a) in paragraph (1) for the words “section 37(4) of the Act” there shall be substituted the words “section 70(4) of the Contributions and Benefits Act”; and
 - (b) in paragraph (2)(b) for the words “section 37ZB(3) of the Act” there shall be substituted the words “section 72(3) of the Contributions and Benefits Act”.
- (9) In regulation 10 (circumstances in which a person over the age of 65 is to be treated as having been entitled to invalid care allowance etc) for the words “section 37(5) of the Act” there shall be substituted the words “section 70(5) of the Contributions and Benefits Act”.
- (10) In regulation 11 (invalid care allowance for persons over the age of 65) for the words “section 37(1)(a) or (b) of the Act” there shall be substituted the words “section 70(1)(a) or (b) of the Contributions and Benefits Act”.

Saving

3. In a case where regulation 8(2)(c) of the Social Security (Invalid Care Allowance) Regulations 1976 applied immediately before 25th November 1996, that regulation shall continue to apply in respect of any continuous period throughout which a person is entitled to an invalid care allowance in respect of a severely disabled person and which began on a date before 25th November 1996, as if regulation 2(7)(c) of these Regulations had not been made.

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

Department of Social Security
28th October 1996

Roger Evans
Parliamentary Under-Secretary of State,

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2, except for paragraph (7)(c), substitutes throughout the Social Security (Invalid Care Allowance) Regulations 1976 equivalent references to the Social Security Contributions and Benefits Act 1992 for references to the Social Security Act 1975.

Regulation 8(1) of the Social Security (Invalid Care Allowance) Regulations 1976 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. Paragraph (2)(c) of that regulation provides that there is to be disregarded for the purposes of paragraph (1) a person's earnings in the week immediately preceding the week in respect of which that person (if his earnings in that week were disregarded) would first become entitled to an invalid care allowance.

Regulation 2(7)(c) amends regulation 8(2) of the Social Security (Invalid Care Allowance) Regulations 1976 by omitting sub-paragraph (c). Regulation 3 makes a saving provision in respect of any continuous period of entitlement before 25th November 1996.

These Regulations do not impose any costs on business.