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STATUTORY INSTRUMENTS

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**2018 No. 280**

**SOCIAL SECURITY**

**The Social Security (Invalid Care Allowance) (Amendment) Regulations 2018**

<i>Made</i>	- - - -	<i>1st March 2018</i>
<i>Laid before Parliament</i>		<i>8th March 2018</i>
<i>Coming into force</i>	- -	<i>9th April 2018</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the power conferred by sections 70(8) and 175(1) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992<sup>(2)</sup>, the Secretary of State has obtained the agreement of the Social Security Advisory Committee that the proposal in respect of these Regulations should not be referred to it.

**Citation and commencement**

**1.**—(1) These Regulations may be cited as the Social Security (Invalid Care Allowance) (Amendment) Regulations 2018.

(2) These Regulations come into force on 9th April 2018.

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

**2.** In regulation 8(1) of the Social Security (Invalid Care Allowance) Regulations 1976<sup>(3)</sup> (circumstances in which a person is or is not to be treated as gainfully employed), for “£116”, in both places where it occurs, substitute “£120”.

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<sup>(1)</sup> 1992 c. 4. Amendments have been made to section 175(1) which are not relevant to these Regulations.

<sup>(2)</sup> 1992 c. 5.

<sup>(3)</sup> S.I. 1976/409; relevant amending instruments are S.I. 1996/2744, 2002/2497 and 2017/386.

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**Status:** This is the original version (as it was originally made).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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Signed by authority of the Secretary of State for Work and Pensions

1st March 2018

*Sarah Newton*  
Minister of State  
Department for Work and Pensions

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## EXPLANATORY NOTE

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

These Regulations amend the Social Security (Invalid Care Allowance) Regulations 1976 ([S.I. 1976/409](#)) (the “principal Regulations”). The Social Security Amendment (Carer’s Allowance) Regulations 2002 ([S.I. 2002/2497](#)) substitutes references to “Invalid Care Allowance” to “Carer’s Allowance” in certain legislative provisions. “Invalid Care Allowance” remains part of the title of these Regulations for statutory purposes.

Under section 70 of the Social Security Contributions and Benefits Act [1992 \(c. 4\)](#), a person is entitled to a carer’s allowance for any day on which that person is engaged in caring for a severely disabled person provided that, amongst other things, the person claiming the carer’s allowance is not gainfully employed.

Regulation 8(1) of the principal Regulations prescribes that a person is only to be treated as gainfully employed on any day in a week if their earnings in the immediately preceding week have exceeded a prescribed amount. The amendment made by regulation 2 of these Regulations raises that amount to £120.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.