

1988 No. 129

SOCIAL SECURITY

The Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1988

Made 1st April 1988

Coming into operation 7th April 1988

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 35(5) of the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation on 7th April 1988.

(2) In these regulations “the principal regulations” means the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1987(b).

Amendment of regulation 10 of the principal regulations

2. In regulation 10(2) of the principal regulations (modification of section 35(1) to (4) in its application to children)—

(a) in sub-paragraph (d), for “in both places where it appears” there shall be substituted “in section 35(1)(a)(ii)”, and

(b) after sub-paragraph (d) there shall be added the following sub-paragraph—

“(e) after the words “watching over him” there were inserted “(these requirements being substantially in excess of the requirements normally placed upon another person by a child of the same age and sex)”.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 1st April 1988.

(L.S.)

A. N. Burns

Assistant Secretary

(a) 1975 c. 15; section 35(1)(b) was amended, with effect from 1st April 1988, by Article 3(1) of the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2))

(b) S.R. 1987 No. 413

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations which come into operation on 7th April 1988 amend the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1987 in so far as they relate to children. They provide that the second of the night-time conditions for entitlement to an attendance allowance (which is specified in section 35(1)(b)(ii) of the Social Security (Northern Ireland) Act 1975 as amended by Article 3(1) of the Social Security (Northern Ireland) Order 1988) is to apply in relation to children only where the requirements of the child are substantially in excess of those normally required by a child of the same age and sex.

The regulations correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.