

## 1989 No. 352

## SOCIAL SECURITY

**The Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1989**

*Made* . . . . . 24th August 1989

*Coming into operation* . . . . . 25th August 1989

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 35(4A) 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 and commencement*

1. These regulations may be cited as the Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1989 and shall come into operation on 25th August 1989.

*Amendment of regulation 9 of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1987*

2. In regulation 9 of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1987 (allowance payable before the date of claim in renewal cases)(b) for "an allowance not payable" there shall be substituted "a person not entitled to an allowance".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 24th August 1989.

(L.S.)

A. N. Burns

Assistant Secretary

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(a) 1975 c. 15. Section 35(4A) was inserted by paragraph 8 of Schedule 1 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)) and amended by paragraph 5(4) of Schedule 8 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13))

(b) S.R. 1987 No. 413

## EXPLANATORY NOTE

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

These regulations, which come into operation on 25th August 1989, amend the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1987 ("the principal regulations"). They are consequential on an amendment made to section 35(4A) of the Social Security (Northern Ireland) Act 1975 by paragraph 5(4) of Schedule 8 to the Social Security (Northern Ireland) Order 1989 which is brought into operation on 23rd August 1989 by Article 1(3) of that Order. It substitutes a reference to a person being entitled to an allowance for a reference to an allowance being paid to a person.

Regulation 2 makes a consequential amendment to regulation 9 of the principal regulations which provides that where a fresh claim to attendance allowance is made within 6 months of the expiry of an Attendance Allowance Board certificate, an allowance may be made for the intervening period.

The regulations correspond to provision contained in regulations made by the Secretary of State for Social Security 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.