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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 356**

**The Social Security (Disability Living Allowance, Attendance Allowance and Carer's Allowance) (Miscellaneous Amendments) Regulations (Northern Ireland) 2011**

**Amendment of the Social Security Contributions and Benefits (Northern Ireland) Act**

2.—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992 is amended in accordance with paragraphs (2) to (5).

(2) In section 65 (attendance allowance: period and rate of allowance), after subsection (6) add—

“(7) A person to whom either Regulation (EC) No 1408/71(1) or Regulation (EC) No 883/2004(2) applies shall not be entitled to an attendance allowance for a period unless during that period the United Kingdom is competent for payment of sickness benefits in cash to the person for the purposes of Chapter 1 of Title III of the Regulation in question.”.

(3) In section 70 (carer's allowance), after subsection (4) insert—

“(4A) A person to whom either Regulation (EC) No 1408/71 or Regulation (EC) No 883/2004 applies shall not be entitled to an allowance under this section for a period unless during that period the United Kingdom is competent for payment of sickness benefits in cash to the person for the purposes of Chapter 1 of Title III of the Regulation in question.”.

(4) In section 72 (disability living allowance: the care component), after subsection (7A)(3) insert—

“(7B) A person to whom either Regulation (EC) No 1408/71 or Regulation (EC) No 883/2004 applies shall not be entitled to the care component of a disability living allowance for a period unless during that period the United Kingdom is competent for payment of sickness benefits in cash to the person for the purposes of Chapter 1 of Title III of the Regulation in question.”.

(5) In section 121(1) (interpretation of Parts I to VI), after the definition of “qualifying young person”(4) insert—

““Regulation (EC) No 1408/71” means Council Regulation (EC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community;

“Regulation (EC) No 883/2004” means Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems;”.

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(1) OJ L 28 of 30.1.1997, p.1

(2) OJ L 166, 30.4.2004, p.1 as amended by Regulation (EC) No. 988/2009 (OJ L 284, 30.10.2009, p. 43)

(3) Subsection (7A) was inserted by section 48(7) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.))

(4) The definition of “qualifying young person” was inserted by paragraph 34(3) of Schedule 1 to the Child Benefit Act 2005 (c. 6)