
STATUTORY RULES OF NORTHERN IRELAND

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 (Claims and Payments) Regulations

3. In regulation 6 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987⁽¹⁾ (date of claim), after paragraph (34) add—

“(35) A claim for attendance allowance or the care component of disability living allowance which is in respect of a period beginning on or before 18th October 2007 but which is made after that date, is to be treated as made on 18th October 2007 where—

- (a) on or after 8th March 2001, the claimant had an award of that benefit;
- (b) the Department made a superseding decision to end that award on the ground that there had been, or it was anticipated that there would be, a relevant change of circumstances as a result of the claimant's moving, or planning to move, from Northern Ireland to an EEA State or Switzerland;
- (c) that superseding decision was confirmed on appeal; and
- (d) the claimant has not received an extra-statutory payment in respect of the benefit being claimed.

(36) A claim for carer's allowance which is in respect of a period beginning on or before 18th October 2007 but which is made after that date, is to be treated as made on 18th October 2007 where—

- (a) on or after 8th March 2001, the claimant had an award of that benefit;
- (b) the Department made a superseding decision to end that award on the ground that there had been, or it was anticipated that there would be, a relevant change of circumstances as a result of—
 - (i) the claimant's moving from Northern Ireland to an EEA State or Switzerland, or
 - (ii) the claimant no longer caring for a severely disabled person, as defined in section 70(2) of the Contributions and Benefits Act, because that person's award of attendance allowance or the care component of disability living allowance had ended, or would end, by virtue of a superseding decision made on the ground of that person's moving from Northern Ireland to an EEA State or Switzerland; and
- (c) the claimant has not received an extra-statutory payment in respect of that allowance.

(37) In paragraphs (35) and (36)—

“EEA State”, in relation to any time, means—

⁽¹⁾ S.R. 1987 No. 465; paragraph (34) was substituted by regulation 2(4)(d) of S.R. 2008 No. 417

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) a state which at that time is a member State; or
 - (b) any other state which at that time is a party to the EEA Agreement,
- and in this definition “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993, as modified or supplemented from time to time;

“extra-statutory payment” means a payment made by the Department, in respect of attendance allowance, the care component of disability living allowance or carer’s allowance which, but for the superseding decision referred to in paragraph (35)(b) or, as the case may be, (36)(b), would have been payable from 18th October 2007.”.