
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 195

SOCIAL SECURITY

The Social Security (Attendance Allowance and Disability Living Allowance) (Amendment) Regulations (Northern Ireland) 2000

Made 24th May 2000

Coming into operation 19th June 2000

The Department for Social Development, in exercise of the powers conferred by sections 67(2), 72(8), 113(2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and sections 71(1)(b) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(b), and now vested in it(c), 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 and Disability Living Allowance) (Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 19th June 2000.

Amendment of the Social Security (Attendance Allowance) Regulations

2.—(1) The Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(d) shall be amended in accordance with paragraphs (2) to (5) of this regulation.

(2) In regulation 1(2) (interpretation) the definition of “HSS trust”(e) shall be omitted.

(3) In regulation 6(2A)(f) (hospitalisation) after “and to end on the day” there shall be inserted “before the day”.

(4) In regulation 7A(2)(b)(ii)(g) (persons to whom regulations 7 and 8 apply with modifications) for “paragraphs (4) to (7)” there shall be substituted “paragraphs (4) to (6)”.

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- (a) 1992 c. 7
(b) 1992 c. 8; section 71(1) was amended by paragraph 32(2) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
(c) See Article 8(b) of S.R. 1999 No. 481
(d) S.R. 1992 No. 20; relevant amending rules are S.R. 1992 Nos. 143 and 481, S.R. 1993 Nos. 149 and 165, S.R. 1994 Nos. 65 and 263, S.R. 1995 No. 59, S.R. 1996 No. 289 and S.R. 1999 Nos. 221 and 428 (C. 32)
(e) The definition of “HSS trust” was added by paragraph 1(a) of Schedule 16 to S.R. 1994 No. 65
(f) Paragraph (2A) was inserted by regulation 3 of S.R. 1999 No. 221
(g) Regulation 7A was inserted by regulation 2(3) of S.R. 1994 No. 263 and amended by regulation 2(2) of S.R. 1995 No. 59 and Article 6(3)(a) of S.R. 1999 No. 428 (C. 32)

- (5) In regulation 8 (exemption from regulations 6 and 7)—
 - (a) in paragraphs (4) and (6)(a) “, except in a case to which paragraph (7) applies,” shall be omitted; and
 - (b) paragraph (7)(b) shall be omitted.

Amendment of the Social Security (Disability Living Allowance) Regulations

3.—(1) The Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(c) shall be amended in accordance with paragraphs (2) to (4) of this regulation.

(2) In regulation 8(2A)(d) (hospitalisation) and regulation 12A(3)(e) (hospitalisation in mobility component cases) after “and to end on the day” there shall be inserted “before the day”.

(3) In regulation 9A(2)(b)(ii)(f) (persons to whom regulations 9 and 10 apply with modifications) for “paragraphs (6) to (9)” there shall be substituted “paragraphs (6) to (8)”.

- (4) In regulation 10 (exemption from regulation 8 and 9)—
 - (a) in paragraphs (6) and (8)(g) “, except in a case to which paragraph (9) applies,” shall be omitted; and
 - (b) paragraph (9)(h) shall be omitted.

Revocations

4. The following provisions are hereby revoked—

- (a) regulations 2(3)(a), (c) and (d) and 3(3)(a), (c) and (d) of the Social Security Benefits (Miscellaneous Amendments) Regulations (Northern Ireland) 1993(i); and
- (b) Schedule 16 and paragraph 1(c) of Schedule 17 to the Health and Social Services Trusts (Consequential Amendments) Regulations (Northern Ireland) 1994(j).

(a) Paragraphs (4) to (6) were added by regulation 5(4)(b) of S.R. 1993 No. 149 and amended by regulation 2(3) of S.R. 1993 No. 165, regulation 17 of S.R. 1996 No. 289 and Article 6(3)(b) of S.R. 1999 No. 428 (C. 32)

(b) Paragraph (7) was added by regulation 2(3)(d) of S.R. 1993 No. 165 and amended by paragraph 1(b) of Schedule 16 to S.R. 1994 No. 65

(c) S.R. 1992 No. 32; relevant amending rules are S.R. 1992 Nos. 144 and 481, S.R. 1993 Nos. 149 and 165, S.R. 1994 Nos. 65 and 263, S.R. 1996 Nos. 225 and 289 and S.R. 1999 Nos. 221 and 428 (C.32)

(d) Paragraph (2A) was inserted by regulation 4(2) of S.R. 1999 No. 221

(e) Regulation 12A was inserted by regulation 4(3) of S.R. 1996 No. 225 and paragraph (3) was added by regulation 4(3) of S.R. 1999 No. 221

(f) Regulation 9A was inserted by regulation 3(3) of S.R. 1994 No. 263 and amended by Article 7(4)(a) of S.R. 1999 No. 428 (C. 32)

(g) Paragraphs (6) to (8) were added by regulation 4(3)(b) of S.R. 1993 No. 149 and amended by regulation 3(3) of S.R. 1993 No. 165, regulation 18 of S.R. 1996 No. 289 and Article 7(4)(b) of S.R. 1999 No. 428 (C. 32)

(h) Paragraph (9) was added by regulation 3(3)(d) of S.R. 1993 No. 165 and amended by paragraph 1(c) of Schedule 17 to S.R. 1994 No. 65

(i) S.R. 1993 No. 165

(j) S.R. 1994 No. 65

Sealed with the Official Seal of the Department for Social Development
on 24th May 2000.

(L.S.)

John O'Neill

Senior Officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992 (“the Attendance Allowance Regulations”) and the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992 (“the Disability Living Allowance Regulations”).

Regulation 6 of the Attendance Allowance Regulations and regulations 8 and 12A of the Disability Living Allowance Regulations are amended to provide that a period during which a person is, or is treated as, receiving free in-patient treatment, or is treated as being maintained free of charge while undergoing medical treatment as an in-patient, ends on the day before the day on which he leaves a hospital or similar institution (regulations 2(3) and 3(2)).

Regulation 7A of the Attendance Allowance Regulations and regulation 9A of the Disability Living Allowance Regulations are amended to remove the reference to paragraphs (7) and (9) respectively in consequence of their omission by regulations 2(5) and 3(4) (regulations 2(4) and 3(3)).

Regulation 8 of the Attendance Allowance Regulations and regulation 10 of the Disability Living Allowance Regulations are amended to remove the provision which prevents payment of attendance allowance or disability living allowance to certain persons in accommodation provided under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)) which is managed by a Health and Social Services Board or a Health and Social Services trust (regulations 2(5) and 3(4)).

The Regulations also make a consequential amendment and consequential revocations (regulations 2(2) and 4).

These 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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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