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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 263**

**SOCIAL SECURITY**

**The Social Security (Attendance Allowance  
and Disability Living Allowance) (Amendment  
No. 2) Regulations (Northern Ireland) 2000**

*Made* - - - - *30th August 2000*

*Coming into operation* *25th September 2000*

The Department for Social Development, in exercise of the powers conferred by sections 64(4), 72(7) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1), and now vested in it(2), 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 No. 2) Regulations (Northern Ireland) 2000 and shall come into operation on 25th September 2000.

**Amendment of the Social Security (Attendance Allowance) Regulations**

2. After regulation 8B of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(3) (exemption from regulation 8A) there shall be inserted the following regulation—

**“Prescribed circumstance for entitlement**

**8BA.** For the purposes of section 64(4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (entitlement), a person shall not be taken to satisfy subsection (2)(a) (day attention) or (3)(a) (night attention) of that section unless the attention the severely disabled person requires from another person is required to be given in the physical presence of the severely disabled person.”.

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(1) 1992 c. 7; section 64(4) was added by Article 63(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I.1999/3147 (N.I. 11))  
(2) See Article 8(b) of S.R. 1999 No. 481  
(3) S.R. 1992 No. 20; regulation 8B was inserted by regulation 2(4) of S.R. 1994 No. 263

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*Status: This is the original version (as it was originally made).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

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### **Amendment of the Social Security (Disability Living Allowance) Regulations**

3. After regulation 10B of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(4) (exemption from regulation 10A) there shall be inserted the following regulation—

**“Prescribed circumstance for entitlement to the care component**

**10C.** For the purposes of section 72(7) (the care component), a person shall not be taken to satisfy subsection (1)(a)(i) or (b)(i) (day attention) or (c)(i) (night attention) of that section unless the attention the severely disabled person requires from another person is required to be given in the physical presence of the severely disabled person.”

Sealed with the Official Seal of the Department for Social Development on 30th August 2000.

L.S.

*C. Radcliffe*  
Senior Officer of the  
Department for Social Development

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(4) [S.R. 1992 No. 32](#); regulation 10B was inserted by regulation 3(4) of [S.R. 1994 No. 263](#)

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## EXPLANATORY NOTE

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

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

Section 64(4) and 72(7) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 respectively make provision for circumstances for attendance allowance and the care component of disability living allowance in which a person may be taken to satisfy or not to satisfy the conditions for entitlement to the benefit to be prescribed. These Regulations prescribe such a circumstance, that is, that a person will be taken to satisfy the condition of attention for entitlement to attendance allowance or the care component of disability living allowance only where such attention is required to be given in the presence of the severely disabled person.

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 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.