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## EXPLANATORY NOTE

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

Regulation 2 and the Schedule to these Regulations (except as referred to below) amend the Income Support (General) Regulations (Northern Ireland) 1987 and the Jobseeker's Allowance Regulations (Northern Ireland) 1996 so as to provide, in accordance with the Personal Social Services (Preserved Rights) Act (Northern Ireland) 2002 (c. 5) ("the Preserved Rights Act"), that the special amounts which are applicable to those persons in residential care homes and nursing homes who have preserved rights, shall no longer be applicable from 8th April 2002. That regulation and the Schedule also make consequential amendments.

Paragraph 13 of Part I of the Schedule and paragraph 17 of Part II of the Schedule amend the rules as to when a residential allowance is applicable in income support and jobseeker's allowance to those residing in a residential care home or a nursing home.

Regulations 3 and 6 respectively amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 and the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 so as to make further provision and consequential amendments in connection with the cessation, from 8th April 2002, of the payment of special amounts which are applicable to recipients of income support and jobseeker's allowance who are in residential care homes and nursing homes.

Regulations 4 and 5 respectively amend the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992 and the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992 so as to remove the separate provision in respect of payment of attendance allowance and the care component of disability living allowance for those persons in residential care homes and nursing homes with preserved rights.

The amendments in regulations 3, 4, 5 and 6 have also been made as a consequence of the Preserved Rights Act.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions 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.