

2003 No. 397

SOCIAL SECURITY

**The Social Security (Attendance Allowance and Disability Living Allowance) (Amendment) Regulations
(Northern Ireland) 2003**

Made - - - - - *9th September 2003*

Coming into operation *6th October 2003*

The Department for Social Development, in exercise of the powers conferred by sections 67(2), 72(8) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), and now vested in it(b), 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) 2003 and shall come into operation on 6th October 2003.

Amendment of the Social Security (Attendance Allowance) Regulations

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

(2) In regulation 7 (persons in certain accommodation other than hospitals) –

(a) in paragraph (1)(d) –

(i) the words “Except in the cases specified in paragraph (3) and” shall be omitted;

(ii) after sub-paragraph (a) there shall be inserted “or”; and

(iii) sub-paragraph (c) and the word “or” which precedes it shall be omitted; and

(b) paragraphs (3) and (4)(e) shall be omitted.

(3) In regulation 8 (exemption from regulations 6 and 7) –

(a) paragraph (6)(a)(f) and the word “and” which follows it shall be omitted; and

(b) in paragraph (6)(b)(i), for “the person’s own resources” there shall be substituted “the resources of the person for whom it is provided”.

(a) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(b) See Article 8(b) of S.R. 1999 No. 481
(c) S.R. 1992 No. 20
(d) Paragraph (1) was amended by regulation 5(2) of S.R. 1993 No. 149 and regulation 4(2)(a) of S.R. 2002 No. 132
(e) Paragraph (4) was amended by paragraph 2 of Schedule 2 to S.R. 1993 No. 149
(f) Paragraph (6) was added by regulation 5(4)(b) of S.R. 1993 No. 149 and amended by regulation 17 of S.R. 1996 No. 289 and regulation 28 of S.R. 2003 No. 191

Amendment of the Social Security (Disability Living Allowance) Regulations

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

(2) In regulation 9 (persons in certain accommodation other than hospitals) –

(a) in paragraph (1)(b) –

(i) for “paragraphs (1A) to (6)” there shall be substituted “paragraphs (1A) to (4)”;

(ii) after sub-paragraph (a) there shall be inserted “or”; and

(iii) sub-paragraph (c) and the word “or” which precedes it shall be omitted;

(b) in paragraph (1A)(c) the words “and (c)” and “, or may be,” shall be omitted; and

(c) paragraphs (6)(d) and (7)(e) shall be omitted.

(3) In regulation 10 (exemption from regulations 8 and 9) –

(a) paragraph (8)(a)(f) and the word “and” which follows it shall be omitted; and

(b) in paragraph (8)(b)(i), for “the person’s own resources” there shall be substituted “the resources of the person for whom it is provided”.

Revocations

4. The Regulations specified in column (1) of the Schedule are revoked to the extent mentioned in column (3).

Sealed with the Official Seal of the Department for Social Development on 9th September 2003.

(L.S.)

John O’Neill

Senior Officer of the Department for Social Development

(a) S.R. 1992 No. 32

(b) Paragraph (1) was amended by regulation 3(3)(a) of S.R. 1992 No. 481 and regulation 5(2)(a) of S.R. 2002 No. 132

(c) Paragraph (1A) was inserted by regulation 3(3)(b) of S.R. 1992 No. 481

(d) Paragraph (6) was amended by regulation 6(3) of S.R. 1998 No. 2

(e) Paragraph (7) was amended by paragraph 4 of Schedule 2 to S.R. 1993 No. 149

(f) Paragraph (8) was added by regulation 4(3)(b) of S.R. 1993 No. 149 and amended by regulation 18 of S.R. 1996 No. 289 and regulation 29 of S.R. 2003 No. 191

SCHEDULE

Regulation 4

REGULATIONS REVOKED

Column (1) <i>Citation</i>	Column (2) <i>Reference</i>	Column (3) <i>Extent of revocation</i>
The Social Security (Disability Living Allowance and Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1992	S.R. 1992 No. 481	Regulation 3(3)(a)
The Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations (Northern Ireland) 1993	S.R. 1993 No. 149	Regulation 5(2) and paragraphs 2 and 4 of Schedule 2
The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations (Northern Ireland) 1996	S.R. 1996 No. 289	Regulations 17 and 18
The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1998	S.R. 1998 No. 2	Regulation 6(3)
The Social Security (Amendment) (Residential Care and Nursing Homes) Regulations (Northern Ireland) 2002	S.R. 2002 No. 132	Regulations 4(2)(b) and (c) and 5(2)(b) and (c)
The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations (Northern Ireland) 2003	S.R. 2003 No. 191	Regulations 28 and 29

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”).

Regulations 2 and 3 remove the restriction on payment of Attendance Allowance or Disability Living Allowance respectively –

for any period throughout which a person is provided with accommodation, the cost of which may be borne out of public or local funds pursuant to certain enactments; and

to a person funding accommodation provided for him from his own resources where the person is entitled to certain benefits.

Regulation 4 makes consequential revocations.

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.

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