



# Social Security Contributions and Benefits Act 1992

## 1992 CHAPTER 4

### PART III

#### NON-CONTRIBUTORY BENEFITS

#### *[<sup>F1</sup>Carer's allowance]*

#### 70 [<sup>F1</sup>Carer's allowance].

- (1) A person shall be entitled to [<sup>F2</sup>a carer's allowance] for any day on which he is engaged in caring for a severely disabled person if—
- he is regularly and substantially engaged in caring for that person;
  - he is not gainfully employed; and
  - the severely disabled person is either such relative of his as may be prescribed or a person of any such other description as may be prescribed.

[<sup>F3</sup>(1A) A person who was entitled to an allowance under this section immediately before the death of the severely disabled person referred to in subsection (1) shall continue to be entitled to it, even though he is no longer engaged in caring for a severely disabled person (and the requirements of subsection (1)(a) and (c) are not satisfied), until—

- the end of the week in which he ceases to satisfy any other requirement as to entitlement to the allowance; or
- the expiry of the period of eight weeks beginning with the Sunday following the death (or beginning with the date of death if the death occurred on Sunday),

whichever occurs first.]

- (2) In this section, “severely disabled person” means a person in respect of whom there is payable either an attendance allowance or a disability living allowance by virtue of entitlement to the care component at the highest or middle rate [<sup>F4</sup>or personal independence payment by virtue of entitlement to the daily living component at the standard or enhanced rate][<sup>F5</sup>or disability assistance by virtue of entitlement to the

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care component at the middle or highest rate under regulations made under section 31 of the Social Security (Scotland) Act 2018]<sup>F6</sup> or armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (S.I. 2011/517)]<sup>F7</sup> or a child disability payment by virtue of entitlement to the care component at the highest or middle rate by virtue of regulations made under section 31 of the Social Security (Scotland) Act 2018 (asp 9)] or such other payment out of public funds on account of his need for attendance as may be prescribed.

- (3) A person shall not be entitled to an allowance under this section if he is under the age of 16 or receiving full-time education.
- (4) A person shall not be entitled to an allowance under this section unless he satisfies prescribed conditions as to residence or presence in Great Britain.

<sup>F8</sup>(4A) A person to whom either Regulation (EC) No 1408/71 or Regulation (EC) No 883/2004 applies shall not be entitled to an allowance under this section for a period unless during that period the United Kingdom is competent for payment of sickness benefits in cash to the person for the purposes of Chapter 1 of Title III of the Regulation in question.]

<sup>F9</sup>(5) .....

<sup>F9</sup>(6) .....

- (7) No person shall be entitled for the same day to more than one allowance under this section; and where, apart from this subsection, two or more persons would <sup>F10</sup>have a relevant entitlement for the same day] in respect of the same severely disabled person, one of them only <sup>F11</sup>shall have that entitlement] and that shall be such one of them—
  - (a) as they may jointly elect in the prescribed manner, or
  - (b) as may, in default of such an election, be determined by the Secretary of State in his discretion.

<sup>F12</sup>(7A) For the purposes of subsection (7) a person has a “relevant entitlement” if—

- (a) the person is entitled to a carer’s allowance, or
- (b) the person is entitled under section 12 of the Welfare Reform Act 2012 to the inclusion in an award of universal credit of an amount in respect of the fact that the person has regular and substantial caring responsibilities for a severely disabled person.]

(8) Regulations may prescribe the circumstances in which a person is or is not to be treated for the purposes of this section as engaged, or regularly and substantially engaged, in caring for a severely disabled person, as gainfully employed or as receiving full-time education.

(9) <sup>F13</sup>A carer’s allowance] shall be payable at the weekly rate specified in Schedule 4, Part III, paragraph 4.

<sup>F14</sup>(10) .....

**Textual Amendments**

**F1** Words in s. 70 (and cross-heading) substituted (1.9.2002 for specified purposes, 1.4.2003 in so far as not already in force) by virtue of [The Regulatory Reform \(Carers Allowance\) Order 2002 \(S.I. 2002/1457\)](#), art. 1(1)(b), **2(1)**

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- F2** Words in s. 70(1) substituted (1.9.2002 for specified purposes, 1.4.2003 in so far as not already in force) by [The Regulatory Reform \(Carers Allowance\) Order 2002 \(S.I. 2002/1457\)](#), arts. 1(1)(b), 2(2), **Sch. para. 2(c)**
- F3** S. 70(1A) inserted (28.10.2002) by [The Regulatory Reform \(Carers Allowance\) Order 2002 \(S.I. 2002/1457\)](#), arts. 1(1)(a), **3(1)**
- F4** Words in s. 70(2) inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 5**
- F5** Words in s. 70(2) inserted (S.) (26.7.2021) by [The Disability Assistance for Children and Young People \(Scotland\) Regulations 2021 \(S.S.I. 2021/174\)](#), reg. 1, **sch. para. 15(2)**
- F6** Words in s. 70(2) inserted (8.4.2013) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Consequential Provisions: Primary Legislation\) Order 2013 \(S.I. 2013/796\)](#), arts. 1, **3(2)**
- F7** Words in s. 70(2) inserted (E.W.) (17.11.2021) by [The Social Security \(Scotland\) Act 2018 \(Disability Assistance for Children and Young People\) \(Consequential Modifications\) \(No. 2\) Order 2021 \(S.I. 2021/1301\)](#), arts. 1(2), **2(2)**
- F8** S. 70(4A) inserted (31.10.2011) by [The Social Security \(Disability Living Allowance, Attendance Allowance and Carers Allowance\) \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/2426\)](#), **reg. 5(3)**
- F9** S. 70(5)(6) repealed (28.10.2002) by [The Regulatory Reform \(Carers Allowance\) Order 2002 \(S.I. 2002/1457\)](#), arts. 1(1)(a), **3(2)** (with art. 4)
- F10** Words in s. 70(7) substituted (3.11.2015 with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **11(2)(a)**
- F11** Words in s. 70(7) substituted (3.11.2015 with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **11(2)(b)**
- F12** S. 70(7A) inserted (3.11.2015 with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), regs. 1(1), **11(3)**
- F13** Words in s. 70(9) substituted (1.9.2002 for specified purposes, 1.4.2003 in so far as not already in force) by [The Regulatory Reform \(Carers Allowance\) Order 2002 \(S.I. 2002/1457\)](#), arts. 1(1)(b), 2(2), **Sch. para. 2(c)**
- F14** S. 70(10) omitted (28.10.1994) by virtue of [The Social Security \(Severe Disablement Allowance and Invalid Care Allowance\) Amendment Regulations 1994 \(S.I. 1994/2556\)](#), **reg. 2(3)(c)**

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