Status: Point in time view as at 01/07/1992.
Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross
Heading: Invalid care allowance is up to date with all changes known to be in force on or before 20
July 2024. There are changes that may be brought into force at a future date. Changes that have been
made appear in the content and are referenced with annotations. (See end of Document for details)

Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART III

NON-CONTRIBUTORY BENEFITS

Invalid care allowance

70   Invalid care allowance.

(1) A person shall be entitled to an invalid care allowance for any day on which he is engaged in caring for a severely disabled person if—

    (a)   he is regularly and substantially engaged in caring for that person;

    (b)   he is not gainfully employed; and

    (c)   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.

(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 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 Northern Ireland.

(5) Subject to subsection (6) below, a person who has attained pensionable age shall not be entitled to an allowance under this section unless he was so entitled (or is treated by regulations as having been so entitled) immediately before attaining that age.

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(6) Regulations may make provision whereby a person who has attained retiring age, and was entitled to an allowance under this section immediately before attaining that age, continues to be so entitled notwithstanding that he is not caring for a severely disabled person or no longer satisfies the requirements of subsection (1)(a) or (b) above.

(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 be entitled for the same day to such an allowance in respect of the same severely disabled person, one of them only shall be entitled 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 Department in its discretion.

(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) An invalid care allowance shall be payable at the weekly rate specified in Schedule 4, Part III, paragraph 4.

(10) In this section "retiring age" means 70 in the case of a man and 65 in the case of a woman.

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