



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART III

NON-CONTRIBUTORY BENEFITS

[^{F1}Carer's allowance]

Textual Amendments

- F1** Words in cross-heading preceding s. 70 substituted (21.10.2002 for certain purposes and 1.4.2003 otherwise) by [The Deregulation \(Carer's Allowance\) Order \(Northern Ireland\) 2002 \(S.R. 2002/321\)](#), arts. 1, [2\(2\)\(a\)\(iii\)](#)

70 *[^{F2}Carer's allowance].*

- (1) A person shall be entitled to *[^{F3}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.

[^{F4}(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) above shall, notwithstanding that he is no longer engaged in caring for a severely disabled person and the requirements of paragraphs (a) and (c) of that subsection are no longer satisfied, continue to be entitled to it until –

- the end of the week in which he ceases to satisfy any other requirement as to entitlement to the allowance; or

Status: Point in time view as at 21/03/2022.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Carer’s allowance is up to date with all changes known to be in force on or before 15 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)

(b) the expiry of the period of 8 weeks beginning with the Sunday following the death (or beginning with the date of death if the death occurred on a Sunday), whichever first occurs.]

[^{F5}(2) In this section, “severely disabled person” means a person in respect of whom there is payable—

- (a) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;
- (b) an attendance allowance;
- (c) a disability living allowance by virtue of entitlement to the care component at the highest or middle rate;
- (d) personal independence payment by virtue of entitlement to the daily living component at the standard or enhanced rate; ^{F6}...

[^{F7}(da) a child disability payment by virtue of entitlement to the care component at the highest or middle rate by virtue of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 in circumstances where the person is resident in Northern Ireland and regulation 36(1) of those Regulations applies;]^{F8}...

[^{F9}(db) an adult disability payment by virtue of entitlement to the daily living component at the standard or enhanced rate by virtue of the Disability Assistance for Working Age People (Scotland) Regulations 2022 in circumstances where the person is resident in Northern Ireland and regulation 53(1) of those Regulations applies; or]

- (e) 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.

[^{F10}(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.]

(5) ^{F11}

(6) ^{F11}

(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 [^{F12}have a relevant entitlement for the same day] in respect of the same severely disabled person, one of them only [^{F13}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 Department in its discretion.

[^{F14}(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

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- (b) the person is entitled under Article 17 of the Welfare Reform (Northern Ireland) Order 2015 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) [^{F3}A carer's allowance] shall be payable at the weekly rate specified in Schedule 4, Part III, paragraph 4.

^{F15}(10)

Textual Amendments

- F2** Words in shoulder heading preceding s. 70 substituted (21.10.2002 for certain purposes and 1.4.2003 otherwise) by [The Deregulation \(Carer's Allowance\) Order \(Northern Ireland\) 2002 \(S.R. 2002/321\)](#), arts. 1, **2(2)(a)(iii)**
- F3** Words in s. 70(1)(9) substituted (21.10.2002 for certain purposes and 1.4.2003 otherwise) by [The Deregulation \(Carer's Allowance\) Order \(Northern Ireland\) 2002 \(S.R. 2002/321\)](#), arts. 1, **2(2)(a)(iii)**
- F4** S. 70(1A) inserted (28.10.2002) by [The Deregulation \(Carer's Allowance\) Order \(Northern Ireland\) 2002 \(S.R. 2002/321\)](#), arts. 1, **3(2)**
- F5** S. 70(2) substituted (20.6.2016) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/228\)](#), regs. 1, **5(2)**
- F6** Word in s. 70(2)(d) omitted (17.11.2021) by virtue of [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), **5(2)**
- F7** S. 70(2)(da) inserted (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), **5(3)**
- F8** Word in s. 70(2) omitted (21.3.2022) by virtue of [The Social Security \(Scotland\) Act 2018 \(Disability Assistance and Information-Sharing\) \(Consequential Provision and Modifications\) Order 2022 \(S.I. 2022/332\)](#), arts. 1(2), **16(2)(a)**
- F9** S. 70(2)(db) inserted (21.3.2022) by [The Social Security \(Scotland\) Act 2018 \(Disability Assistance and Information-Sharing\) \(Consequential Provision and Modifications\) Order 2022 \(S.I. 2022/332\)](#), arts. 1(2), **16(2)(b)**
- F10** S. 70(4A) inserted (31.10.2011) by [The Social Security \(Disability Living Allowance, Attendance Allowance and Carer's Allowance\) \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/356\)](#), regs. 1, **2(3)**
- F11** S. 70(5)(6) repealed (28.10.2002) by [The Deregulation \(Carer's Allowance\) Order \(Northern Ireland\) 2002 \(S.R. 2002/321\)](#), arts. 1, **3(3)** (with art. 4)
- F12** Words in s. 70(7) substituted (coming into force in accordance with reg. 1(1) of the amending Rule) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/236\)](#), regs. 1(1), **4(2)(a)**
- F13** Words in s. 70(7) substituted (coming into force in accordance with reg. 1(1) of the amending Rule) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/236\)](#), regs. 1(1), **4(2)(b)**
- F14** S. 70(7A) inserted (coming into force in accordance with reg. 1(1) of the amending Rule) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/236\)](#), regs. 1(1), **4(3)**
- F15** S. 70(10) omitted (28.10.1994) by virtue of [S.R. 1994/370](#), regs. 1, **2(3)(c)**

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