



# Social Security Contributions and Benefits (Northern Ireland) Act 1992

## 1992 CHAPTER 7

### 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) 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
- 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.]

- (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 armed forces independence payment under the Armed Forces and Reserve Forces (Compensation

*Status: Point in time view as at 01/04/2014. This version of this provision has been superseded.*

**Changes to legislation:** *Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 70 is up to date with all changes known to be in force on or before 16 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)*

- Scheme) Order 2011 (S.I. 2011/517)] 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.
- [<sup>F5</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.]
- (5) <sup>F6</sup> .....
- (6) <sup>F6</sup> .....
- (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) [<sup>F2</sup>A carer's allowance] shall be payable at the weekly rate specified in Schedule 4, Part III, paragraph 4.
- <sup>F7</sup>(10) .....

#### Textual Amendments

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** Words in s. 70(2) inserted (20.12.2013) by [The Armed Forces and Reserve Forces \(Compensation Scheme\) \(Consequential Provisions: Primary Legislation\) \(Northern Ireland\) Order 2013 \(S.I. 2013/3233\)](#), arts. 1, **2(2)**
- F5** 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)**
- F6** 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)
- F7** S. 70(10) omitted (28.10.1994) by virtue of [S.R. 1994/370](#), regs. 1, **2(3)(c)**

**Status:**

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