



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART III

NON-CONTRIBUTORY BENEFITS

Disability living allowance

72 The care component.

- (1) Subject to the provisions of this Act, a person shall be entitled to the care component of a disability living allowance for any period throughout which—
- (a) he is so severely disabled physically or mentally that—
 - (i) he requires in connection with his bodily functions attention from another person for a significant portion of the day (whether during a single period or a number of periods); or
 - (ii) he cannot prepare a cooked main meal for himself if he has the ingredients;
 - (b) he is so severely disabled physically or mentally that, by day, he requires from another person—
 - (i) frequent attention throughout the day in connection with his bodily functions; or
 - (ii) continual supervision throughout the day in order to avoid substantial danger to himself or others; or
 - (c) he is so severely disabled physically or mentally that, at night,—
 - (i) he requires from another person prolonged or repeated attention in connection with his bodily functions; or
 - (ii) in order to avoid substantial danger to himself or others he requires another person to be awake for a prolonged period or at frequent intervals for the purpose of watching over him.

Status: Point in time view as at 31/10/2011. This version of this provision has been superseded.

Changes to legislation: *Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 72 is up to date with all changes known to be in force on or before 11 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)*

- [^{F1}(1A) In its application to a person in relation to so much of a period as falls before the day on which he reaches the age of 16, subsection (1) above has effect subject to the following modifications—
- (a) the condition mentioned in subsection (1)(a)(ii) above shall not apply, and
 - (b) none of the other conditions mentioned in subsection (1) above shall be taken to be satisfied unless—
 - (i) he has requirements of a description mentioned in the condition substantially in excess of the normal requirements of persons of his age, or
 - (ii) he has substantial requirements of such a description which younger persons in normal physical and mental health may also have but which persons of his age and in normal physical and mental health would not have.]
- (2) Subject to the following provisions of this section, a person shall not be entitled to the care component of a disability living allowance unless—
- (a) throughout—
 - (i) the period of 3 months immediately preceding the date on which the award of that component would begin; or
 - (ii) such other period of 3 months as may be prescribed,
 he has satisfied or is likely to satisfy one or other of the conditions mentioned in subsection (1)(a) to (c) above; and
 - (b) he is likely to continue to satisfy one or other of those conditions throughout—
 - (i) the period of 6 months beginning with that date; or
 - (ii) (if his death is expected within the period of 6 months beginning with that date) the period so beginning and ending with his death.
- [^{F2}(2A) The modifications mentioned in subsection (1A) above shall have effect in relation to the application of subsection (1) above for the purposes of subsection (2) above, but only—
- (a) in the case of a person who is under the age of 16 on the date on which the award of the care component would begin, and
 - (b) in relation to so much of any period mentioned in subsection (2) above as falls before the day on which he reaches the age of 16.]
- (3) Three weekly rates of the care component shall be prescribed.
- (4) The weekly rate of the care component payable to a person for each week in the period for which he is awarded that component shall be—
- (a) the highest rate, if he falls within subsection (2) above by virtue of having satisfied or being likely to satisfy both the conditions mentioned in subsection (1)(b) and (c) above throughout both the period mentioned in paragraph (a) of subsection (2) above and that mentioned in paragraph (b) of that subsection;
 - (b) the middle rate, if he falls within that subsection by virtue of having satisfied or being likely to satisfy one or other of those conditions throughout both those periods; and
 - (c) the lowest rate in any other case.

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(5) For the purposes of this section, a person who is terminally ill, as defined in section 66(2) above, and makes a claim expressly on the ground that he is such a person, shall [^{F3}(notwithstanding subsection (1A)(b) above)] be taken—

(a) to have satisfied the conditions mentioned in subsection (1)(b) and (c) above for the period of 3 months immediately preceding the date of the claim, or, if later, the first date on which he is terminally ill (so however that the care component shall not be payable by virtue of this paragraph for any period preceding that date); and

(b) to satisfy or to be likely to satisfy those conditions [^{F4}for so much of the period for which he is terminally ill as does not fall before the date of the claim].

^{F5}(6)

(7) Subject to [^{F6}subsection (5)] above, circumstances may be prescribed in which a person is to be taken to satisfy or not to satisfy such of the conditions mentioned in subsection (1)(a) to (c) above as may be prescribed.

[^{F7}(7A) Subsection (1A) above has effect subject to regulations made under subsection (7) above (except as otherwise prescribed).]

[^{F8}(7B) A person to whom either Regulation (EC) No 1408/71 or Regulation (EC) No 883/2004 applies shall not be entitled to the care component of a disability living allowance 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.]

[^{F9}(8) Regulations may provide that no amount in respect of a disability living allowance which is attributable to entitlement to the care component shall be payable in respect of a person for a period when he is a resident of a care home in circumstances in which any of the costs of any qualifying services provided for him are borne out of public or local funds under a specified enactment.

(9) The reference in subsection (8) above to a care home is to an establishment that provides accommodation together with nursing or personal care.

(10) The following are qualifying services for the purposes of subsection (8) above—

- (a) accommodation,
- (b) board, and
- (c) personal care.

(11) The reference in subsection (8) above to a specified enactment is to an enactment which is, or is of a description, specified for the purposes of that subsection by regulations.

(12) The power to specify an enactment for the purposes of subsection (8) above includes power to specify it only in relation to its application for a particular purpose.]

Textual Amendments

F1 S. 72(1A) inserted (8.10.2007) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\), ss. 48\(2\), 60\(1\); S.R. 2007/429, art. 2\(1\)\(b\)](#)

F2 S. 72(2A) inserted (8.10.2007) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\), ss. 48\(3\), 60\(1\); S.R. 2007/429, art. 2\(1\)\(b\)](#)

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- F3** Words in s. 72(5) inserted (8.10.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 48(4), 60(1)**; S.R. 2007/429, art. 2(1)(b)
- F4** Words in s. 72(5)(b) substituted (12.1.2000) by S.I. 1999/3147 (N.I. 11), **art. 64(2)**; S.R. 1999/494, **art. 2(3)**
- F5** S. 72(6) repealed (8.10.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 48(5), 60(1), Sch. 8**; S.R. 2007/429, art. 2(1)(b)(e)
- F6** Words in s. 72(7) substituted (8.10.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 48(6), 60(1)**; S.R. 2007/429, art. 2(1)(b)
- F7** S. 72(7A) inserted (8.10.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 48(7), 60(1)**; S.R. 2007/429, art. 2(1)(b)
- F8** S. 72(7B) 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(4)**
- F9** S. 72(8)-(12) substituted for s. 72(8) (8.10.2007 for specified purposes, 29.10.2007 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 54(2), 60(1)**; S.R. 2007/429, **art. 2(1)(c)(2)**

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