
STATUTORY INSTRUMENTS

2000 No. 681

**The Social Security (Miscellaneous
Amendments) Regulations 2000**

Invalid care allowance

4.—(1) In paragraph 4(b) of Schedule 1B to the Income Support Regulations (prescribed categories of persons: persons caring for another person), for the words “who is in receipt of” there shall be substituted the words “ who is both entitled to, and in receipt of, ”.

(2) In Schedule 2 to the Income Support Regulations (applicable amounts)—

(a) in paragraph 13 (severe disability premium)—

(i) for head (iii) of paragraph (a) of sub-paragraph (2) ^{M1} there shall be substituted the following sub-head—

“(iii) no person is entitled to, and in receipt of, an invalid care allowance under section 70 of the Contributions and Benefits Act in respect of caring for him;”;

(ii) in paragraph (b) of sub-paragraph (2)—

(aa) at the beginning, for the words “if he” there shall be substituted the words “ in the case of a claimant who ”;

(bb) for the words from “an invalid care allowance” to “to anyone” there shall be substituted the words “ a person is entitled to, and in receipt of, an invalid care allowance in respect of caring for only one of the couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage or, as the case may be, no person is entitled to, and in receipt of, such an allowance ”;

(iii) in sub-paragraph (3A) ^{M2}—

(aa) the words “as being in receipt of” shall be omitted;

(bb) at the beginning of head (a) there shall be inserted the words “ as being in receipt of ”;

(cc) for head (b) there shall be substituted the following head—

“(b) as being entitled to and in receipt of an invalid care allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.”;

(b) in paragraph 14ZA ^{M3} (carer premium)—

(i) in sub-paragraph (1), for the words “in receipt of invalid care allowance under section 37 of the Social Security Act” there shall be substituted the words “ entitled to an invalid care allowance under section 70 of the Contributions and Benefits Act ”;

(ii) in sub-paragraph (2), for the words “in receipt of” in the last place where those words occur there shall be substituted the words “ entitled to an ”;

(iii) for sub-paragraphs (3) and (4) there shall be substituted the following sub-paragraphs—

“(3) Where a carer premium is awarded but the person in respect of whom it has been awarded ceases to be entitled to an invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in paragraph (b) of that sub-paragraph;
- (b) in any other case, that person ceased to be entitled to an invalid care allowance.

(4) Where a person who has been entitled to an invalid care allowance ceases to be entitled to that allowance and makes a claim for income support, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in paragraph (b) of that sub-paragraph;
- (b) in any other case, that person was last entitled to an invalid care allowance.”.

(3) In Schedule 1 to the Jobseeker’s Allowance Regulations (applicable amounts)—

(a) in paragraph 15 (severe disability premium)—

(i) for sub-paragraph (1)(c), there shall be substituted the following—

“(c) no person is entitled to, and in receipt of, an invalid care allowance under section 70 of the Benefits Act in respect of caring for him;”;

(ii) in sub-paragraph (2)(d)—

(aa) in head (i), for the words from the beginning to “engaged in” there shall be substituted the words “no person is entitled to, and in receipt of, an invalid care allowance under section 70 of the Benefits Act in respect of”;

(bb) in head (ii), for the words “in receipt of” there shall be substituted the words “entitled to”;

(iii) in sub-paragraph (5)—

(aa) the words “as being in receipt of” shall be omitted;

(bb) at the beginning of head (a) there shall be inserted the words “as being in receipt of”;

(cc) for head (b) there shall be substituted the following head—

“(b) as being entitled to and in receipt of an invalid care allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.”;

(b) in paragraph 17 (carer premium)—

(i) in sub-paragraph (1), for the words “in receipt of” there shall be substituted the words “entitled to”;

(ii) in sub-paragraph (2), for the words “in receipt of” in the first place where those words occur there shall be substituted the words “entitled to”;

(iii) for sub-paragraphs (3) and (4) there shall be substituted the following sub-paragraphs—

“(3) Where a carer premium is awarded but the person in respect of whom it has been awarded ceases to be entitled to an invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in paragraph (c) of that sub-paragraph;
- (b) in any other case, that person ceased to be entitled to an invalid care allowance.

(4) Where a person who has been entitled to an invalid care allowance ceases to be entitled to that allowance and makes a claim for a jobseeker’s allowance, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in paragraph (c) of that sub-paragraph;
- (b) in any other case, that person was last entitled to an invalid care allowance.”.

^{F1}(4)

^{F1}(5)

Textual Amendments

F1 [Reg. 4\(4\)\(5\)](#) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Marginal Citations

M1 The relevant amending instrument to paragraph 13(2) is [S.I. 1989/1678](#).

M2 Paragraph 13(3A) was inserted by [S.I. 1988/663](#) and amended by [S.I. 1991/2742](#).

M3 Paragraph 14ZA was inserted by [S.I. 1990/1776](#). The relevant amending instruments are [S.I. 1991/1559](#) and 2742.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations 2000, Section 4.