
STATUTORY INSTRUMENTS

2002 No. 1457

The Regulatory Reform (Carer's Allowance) Order 2002

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Regulatory Reform (Carer's Allowance) Order 2002 and shall come into force—

- (a) except for the purposes of Article 2, on 28th October 2002; and
- (b) for the purposes of Article 2—
 - (i) for the purposes of exercising powers to make subordinate legislation to come into force on or after 1st April 2003 (being powers or subordinate legislation which apart from Article 2 would refer to invalid care allowance), on 1st September 2002; and
 - (ii) for all other purposes, on 1st April 2003.

(2) In this Order—

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992(1); and

“subordinate legislation” means Orders in Council, orders, rules, regulations, schemes and other instruments made under any Act.

Invalid care allowance to be known as carer's allowance

2.—(1) Invalid care allowance shall be known as carer's allowance.

(2) The Schedule to this Order (which makes provision consequential on paragraph (1)) shall have effect.

Amendment of section 70 of the 1992 Act

3.—(1) In section 70 of the 1992 Act (which provides for invalid care allowance), after subsection (1) there is inserted—

“(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) shall continue to be entitled to it, even though he is no longer engaged in caring for a severely disabled person (and the requirements of subsection (1)(a) and (c) are not satisfied), until—

- (a) the end of the week in which he ceases to satisfy any other requirement as to entitlement to the allowance; or
 - (b) the expiry of the period of eight weeks beginning with the Sunday following the death (or beginning with the date of death if the death occurred on Sunday),
- whichever occurs first.”.

(2) Subsections (5) and (6) of that section are hereby repealed.

(1) 1992 c. 4. The relevant amending instrument is regulation 2(3) of S.I.1994/2556.

Transitional provision

4. Notwithstanding the repeal of subsection (6) of section 70 of the 1992 Act, a person who had attained the age of 65 and was entitled to an allowance under that section immediately before 28th October 2002 shall continue 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) of that section, for as long as he continues to satisfy the other requirements for entitlement to the allowance specified in or under that section.

Signed by authority of the Secretary of State for Work and Pensions

29th May 2002

P. Hollis
Parliamentary Under-Secretary of State,
Department for Work and Pensions