
STATUTORY INSTRUMENTS

2002 No. 2020

SOCIAL SECURITY

**The Social Security Amendment (Carer Premium)
Regulations 2002**

Made - - - - - *30th July 2002*

Laid before Parliament *7th August 2002*

Coming into force - - *28th October 2002*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 135(1), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and sections 4(5), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(b) and of all other powers enabling him in that behalf, after consultation in respect of provisions in these Regulations relating to housing benefit and council tax benefit with organisations appearing to the Secretary of State to be representative of the authorities concerned(c) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(d), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security Amendment (Carer Premium) Regulations 2002 and shall come into force on 28th October 2002.

Income Support, Housing Benefit and Council Tax Benefit: Carer Premium Run-on

2. In paragraph 14ZA of Schedule 2 to the Income Support (General) Regulations 1987(e), paragraph 14ZA of Schedule 2 to the Housing Benefit (General) Regulations 1987(f) and in paragraph 16 of Schedule 1 to the Council Tax Benefit (General) Regulations 1992(g)—

(a) for sub-paragraph (3) there shall be substituted the following sub-paragraphs—

“(3) Where a carer premium is awarded but—

(a) the person in respect of whose care the invalid care allowance has been awarded dies; or

(a) 1992 c. 4; section 123(1)(e) was substituted by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 1(1); section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(b) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(c) See section 176(1) of the Social Security Administration Act 1992 (c. 5).

(d) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c. 5); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

(e) S.I. 1987/1967. Paragraph 14ZA was inserted by S.I. 1990/1776. The relevant amending Instruments are S.I. 1991/1559, S.I. 1991/2742 and S.I. 2000/681.

(f) S.I. 1987/1971. Paragraph 14ZA was inserted by S.I. 1990/1775. The relevant amending Instruments are S.I. 1991/1599, S.I. 1991/2742 and S.I. 2000/681.

(g) S.I. 1992/1814. The relevant amending Instrument is S.I. 2000/681.

- (b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled or ceases to be treated as 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 relevant date specified in sub-paragraph (3A) below.

- (3A) The relevant date for the purposes of sub-paragraph (3) above shall be—
 - (a) the Sunday following the death of the person in respect of whose care an invalid care allowance has been awarded or the date of death if the death occurred on a Sunday;
 - (b) where sub-paragraph (2) applies, the date on which the person in respect of whose care the invalid care allowance has been awarded ceased to be in receipt of the allowances referred to in paragraph (b) of that sub-paragraph;
 - (c) in any other case, the date on which the person who has been entitled to an invalid care allowance ceases to be entitled to that allowance.”;
- (b) in sub-paragraph (4) for paragraphs (a) and (b) there shall be substituted the following paragraphs—
 - “(a) the person in respect of whose care the invalid care allowance has been awarded dies;
 - (b) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been awarded ceased to be in receipt of the allowances referred to in paragraph (b) of that sub-paragraph;
 - (c) in any other case, that person was last entitled to invalid care allowance.”.

Jobseeker’s Allowance: Carer Premium Run-on

3.—(1) In paragraph 17 of Schedule 1 to the Jobseeker’s Allowance Regulations 1996(a)—

- (a) for sub-paragraph (3)(b) there shall be substituted the following sub-paragraphs—

“(3) Where a carer premium is awarded but—

- (a) the person in respect of whose care the invalid care allowance has been awarded dies; or
- (b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled or ceases to be treated as 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 relevant date specified in sub-paragraph (3A) below.

(3A) The relevant date for the purposes of sub-paragraph (3) above shall be—

- (a) the Sunday following the death of the person in respect of whose care an invalid care allowance has been awarded or the date of death if the death occurred on a Sunday;
- (b) where sub-paragraph (2) applies, the date on which the person in respect of whose care the invalid care allowance has been awarded ceased to be in receipt of the allowances referred to in paragraph (c) of that sub-paragraph;
- (c) in any other case, the date on which the person who has been entitled to an invalid care allowance ceases to be entitled to that allowance.”;

- (b) in sub-paragraph (4)(c) for paragraphs (a) and (b) there shall be substituted the following paragraphs—

“(a) the person in respect of whose care the invalid care allowance has been awarded dies;

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

(a) S.I. 1996/207.

(b) Sub-paragraph (3) was substituted by S.I. 2000/681.

(c) Sub-paragraph (4) was inserted by S.I. 2000/681.

- (2) In paragraph 20J(a) of Schedule 1 to the Jobseeker's Allowance Regulations 1996—
- (a) for sub-paragraph (3) there shall be substituted the following sub-paragraphs—
- “(3) Where a carer premium is awarded but—
- (a) the person in respect of whose care the invalid care allowance has been awarded dies; or
- (b) in any other case the member of the joint-claim couple in respect of whom a carer premium has been awarded ceases to be entitled or ceases to be treated as 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 relevant date specified in sub-paragraph (3A) below.
- (3A) The relevant date for the purposes of sub-paragraph (3) above shall be—
- (a) the Sunday following the death of the person in respect of whose care an invalid care allowance has been awarded or beginning with the date of death if the death occurred on a Sunday;
- (b) where sub-paragraph (2) applies, the date on which the person in respect of whose care the invalid care allowance has been awarded ceased to be in receipt of the allowances referred to in paragraph (c) of that sub-paragraph;
- (c) in any other case, the date on which that member ceased to be entitled to an invalid care allowance.”;
- (b) in sub-paragraph (4) for paragraphs (a) and (b) there shall be substituted the following paragraphs—
- “(a) the person in respect of whose care the invalid care allowance has been awarded dies;
- (b) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been awarded ceased to be in receipt of the allowances referred to in paragraph (c) of that sub-paragraph;
- (c) in any other case, that member was last entitled to an invalid care allowance.”.

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

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

30th July 2002

(a) Paragraph 20J was inserted by S.I. 2000/1978.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) ("the principal sets of regulations").

In particular, these regulations provide that the period for which a carer premium is payable under the principal sets of regulations shall be extended for 8 weeks from either the death of the person in respect of whose care invalid care allowance has been awarded or, in any other case, until 8 weeks after entitlement to invalid care allowance ceases.

These Regulations do not impose any charge on business.

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