

2002 No. 2497

SOCIAL SECURITY

**The Social Security Amendment (Carer's Allowance)
Regulations 2002**

<i>Made - - - - -</i>	<i>27th September 2002</i>
<i>Laid before Parliament</i>	<i>4th October 2002</i>
<i>Coming into force—</i>	
<i>except for the purposes of</i> <i>regulation 3</i>	<i>28th October 2002</i>
<i>for the purposes of regulation 3</i>	<i>1st April 2003</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by the enactments set out in Column 1 of Schedule 1 to these Regulations as amended by the provisions set out in Column 2 of that Schedule and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it^(a) and after consultation, in so far as they relate to council tax benefit and housing benefit, with organisations appearing to him to be representative of the authorities concerned^(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security Amendment (Carer's Allowance) Regulations 2002 and shall come into force—
- (a) except for the purposes of regulation 3, on 28th October 2002; and
 - (b) for the purposes of regulation 3, on 1st April 2003.

Amendment of the Social Security (Invalid Care Allowance) Regulations 1976

- 2.—(1) The following provisions of the Social Security (Invalid Care Allowance) Regulations 1976(c) are hereby revoked—
- (a) regulation 10 (circumstances in which a person over the age of 65 is to be treated as having been entitled to invalid care allowance immediately before attaining that age); and
 - (b) regulation 11 (invalid care allowance for persons over the age of 65).
- (2) In regulation 10A(c) of those Regulations (women aged 65 before 28th October 1994) the words “and (5)” shall be omitted.

(a) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c. 5).
(b) See section 176 of the Social Security Administration Act 1992.
(c) S.I. 1976/409. Relevant amending instruments are S.I. 1994/2556 and S.I. 1996/2744. Regulation 10A was inserted by S.I. 1994/2556.

Amendments consequential upon change of name of benefit

3. Schedule 2 to these Regulations (which substitutes references to carer's allowance and makes related provision for references to invalid care allowance) shall have effect.

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

Ian McCartney
Minister of State,

27th September 2002

Department for Work and Pensions

SCHEDULE 1

Enactments conferring powers exercised in making these Regulations

<i>Column 1</i> <i>Enactment conferring power</i>	<i>Column 2</i> <i>Relevant amending provision</i>
The Child Support Act 1991(a)	
Paragraph 4(1)(b) and (c) and (2) of Schedule 1	Part 1 of Schedule 1 was substituted by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act 2000(b)
The Social Security Contributions and Benefits Act 1992(c)	
Section 22(5)	Amended by paragraph 22 of Schedule 2 to the Jobseekers Act 1995(d)
Section 70	Amended by articles 2 and 3 of the Regulatory Reform (Carer's Allowance) Order 2002(e)
Section 79(2)	—
Section 90	Amended by section 70 of, and paragraph 26 of Schedule 8 to, the Welfare Reform and Pensions Act 1999(f)
Section 113	Amended by paragraph 66 of Schedule 7 to the Social Security Act 1998(g)
Section 124(1)(e)	Subsection (1)(e) was inserted by paragraph 30 of Schedule 2 to the Jobseekers Act 1995
Section 135(1)	—
Section 136(3) and (5)(b)	—
Section 138(2) and (4)	—
Section 175(1) and (4)	Amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999(h)
Paragraph 2(8) of Schedule 3	Paragraph 2(8) was added by section 62(4) of the Welfare Reform and Pensions Act 1999
The Social Security Administration Act 1992(i)	
Section 2A	Section 2A was inserted by section 57 of the Welfare Reform and Pensions Act 1999

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- (a) 1991 c. 48.
(b) 2000 c. 19.
(c) 1992 c. 4.
(d) 1995 c. 18.
(e) S.I. 2002/1457.
(f) 1999 c. 30.
(g) 1998 c. 14.
(h) 1999 c. 2.
(i) 1992 c. 5.

<i>Column 1</i> <i>Enactment conferring power</i>	<i>Column 2</i> <i>Relevant amending provision</i>
Section 5(1)	—
Section 7A	Section 7A was inserted by section 71 of the Welfare Reform and Pensions Act 1999
Section 73	Amended by paragraph 49 of Schedule 2 to the Jobseekers Act 1995
Section 78(2)	—
Section 107(1)	—
Section 189(1), (4) and (5)	Amended by paragraph 109 of Schedule 7 to the Social Security Act 1998, by paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 and by Schedule 6 to the Tax Credits Act 2002(a)
The Social Security (Consequential Provisions) Act 1992(b)	
Section 5	—
Paragraph 12 of Schedule 3	—
The Jobseekers Act 1995	
Section 26(1)	—
Section 40	—
The Child Support Act 1995(c)	
Section 10	—
Section 26(1) and (3)	—
The Welfare Reform and Pensions Act 1999	
Section 72	—
Section 83(1), (4) and (8)	—
The Immigration and Asylum Act 1999(d)	
Section 115(3), (4) and (5)	—

- (a) 2002 c. 21.
(b) 1992 c. 6.
(c) 1995 c. 34.
(d) 1999 c. 33.

Substitution of references to invalid care allowance and related provision

1. In the provisions mentioned in paragraph 2 below, for the words “invalid care allowance” wherever they occur, there shall be substituted the words “carer’s allowance”, preceded, where appropriate, by “a” instead of “an”.

2. The provisions referred to in paragraph 1 are—

The Social Security Benefit (Persons Abroad) Regulations 1975(a)	Regulation 10B
The Social Security (Credits) Regulations 1975(b)	Regulation 7A
The Social Security (Invalid Care Allowance) Regulations 1976(c)	Regulations 2A, 3, 6, 7, 8, 9, 10A, 11A and 14, and Schedule 1
The Social Security Benefit (Dependency) Regulations 1977(d)	Regulations 1 and 12, and Parts I and II of Schedule 2
The Social Security (Overlapping Benefits) Regulations 1979(e)	Regulations 4 and 12, and Schedule 1
The Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979(f)	Regulation 17
The Income Support (General) Regulations 1987(g)	Regulation 57, Schedule 1B, Parts III and IV of Schedule 2, and Schedule 8
The Social Security (Claims and Payments) Regulations 1987(h)	Regulations 2 and 4A and Part I of Schedule 1, and Schedule 6
The Housing Benefit (General) Regulations 1987(i)	Parts III and IV of Schedule 2, and Schedule 3
The Social Fund (Recovery by Deductions from Benefits) Regulations 1988(j)	Regulation 3
The Income Support (Liable Relatives) Regulations 1990(k)	Regulation 2
The Council Tax Benefit (General) Regulations 1992(l)	Parts III and IV of Schedule 1, and Schedule 3
The Social Security (Incapacity Benefit) Regulations 1994(m)	Regulation 2B

- (a) S.I. 1975/563. Regulation 10B was inserted by S.I. 1976/409.
- (b) S.I. 1975/1483. Regulation 7A was inserted by S.I. 1976/409 and the relevant amending instruments are S.I. 1987/414, S.I. 1988/1545, S.I. 1996/2367, S.I. 2000/1483 and S.I. 2002/490.
- (c) S.I. 1976/409; the relevant amending instruments are S.I. 1977/342, S.I. 1978/1698, S.I. 1991/2742, S.I. 1995/829 and 2935, S.I. 1996/30 and 2744, S.I. 2000/636 and S.I. 2001/538. Regulation 2A was inserted by S.I. 1997/2676, regulations 10A and 11A were inserted by S.I. 1994/2556 and Schedule 1 was substituted by S.I. 1995/829.
- (d) S.I. 1977/343; the relevant amending instruments are S.I. 1984/1699, S.I. 1987/355, S.I. 1988/554, S.I. 1989/1690, S.I. 1992/3041, S.I. 1994/2945, S.I. 1996/2745, S.I. 1999/3178 and S.I. 2001/910.
- (e) S.I. 1979/597; the relevant amending instruments are S.I. 1983/186, S.I. 1984/1303, S.I. 1991/2742, S.I. 1992/3194, S.I. 1995/829, S.I. 1996/1345 and 3207 and S.I. 2000/1483.
- (f) S.I. 1979/642; the relevant amending instruments are S.I. 1984/1303 and S.I. 1993/1242.
- (g) S.I. 1987/1967; the relevant amending instruments are S.I. 1988/663, 1445 and 2022, S.I. 1989/534 and 1678, S.I. 1990/547 and 1776, S.I. 1991/236, 387, 1559 and 2742, S.I. 1992/468, S.I. 1993/315, 1150 and 2119, S.I. 1994/2139 and 3061, S.I. 1995/482, S.I. 1996/1517, 1803 and 1944, S.I. 1997/827, S.I. 1998/2231, S.I. 1999/2422, 2566, 3109 and 3329, S.I. 2000/636, 681, 724, 1922, 1981, 2239, 2545 and 2629, S.I. 2001/488, 652, 859 and 3767 and S.I. 2002/490. Schedule 1B was inserted by S.I. 1996/206.
- (h) S.I. 1987/1968; the relevant amending instruments are S.I. 1988/522 and 1725, S.I. 1989/1686, S.I. 1990/2208, S.I. 1991/2284 and 2741, S.I. 1992/247 and 2595, S.I. 1994/2943 and 3196, S.I. 1996/1460, 1803 and 2431, S.I. 1999/2358, 2572, 3108 and 3178 (C. 81), S.I. 2000/897, 1483, 1596 and 1982 and S.I. 2002/1789. Regulation 4A was inserted by S.I. 1999/3108.
- (i) S.I. 1987/1971; the relevant amending instruments are S.I. 1988/1971, S.I. 1989/416, S.I. 1990/546 and 1775, S.I. 1991/235, 387, 1599 and 2742, S.I. 1993/317, 1150 and 2118, S.I. 1994/2137 and 3061, S.I. 1995/560, 626 and 2303, S.I. 1996/462, 1510 and 1803, S.I. 1998/766 and 2231, S.I. 1999/920 and 2566, S.I. 2000/681, 724, 2239, 2545 and 2629 and S.I. 2002/490.
- (j) S.I. 1988/35; the relevant amending instruments are S.I. 1991/2742, S.I. 1995/829, S.I. 1996/1944, S.I. 1999/2566 and S.I. 2000/3223.
- (k) S.I. 1990/1777.
- (l) S.I. 1992/1814; the relevant amending instruments are S.I. 1993/688, 1150 and 2118, S.I. 1994/2137 and 3061, S.I. 1995/560, 626 and 2303, S.I. 1996/462, 1510 and 1803, S.I. 1998/766 and 2231, S.I. 1999/920 and 2566, S.I. 2000/681, 724, 2239, 2545 and 2629 and S.I. 2002/490.
- (m) S.I. 1994/2946; regulation 2B was inserted by S.I. 2000/3120 and amended by S.I. 2001/573, 1305 and 2979.

The Social Security (Back to Work Bonus) (No. 2) Regulations 1996(a)	Regulation 4
The Social Security (Invalid Care Allowance) Amendment Regulations 1996(b)	Regulation 3
The Social Security (Child Maintenance Bonus) Regulations 1996(c)	Regulation 4
The Social Security (Claims and Information) Regulations 1999(d)	Regulations 4 and 17
The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000(e)	Regulations 2 and 12, and Part II of the Schedule
The Child Support (Maintenance Calculations and Special Cases) Regulations 2000(f)	Regulation 4
The Social Security (Jobcentre Plus Interviews) Regulations 2002(g)	Regulations 2, 4 and 12

3. In—

- (a) Regulations 6 and 19 of the Social Security (Claims and Payments) Regulations 1987(h); and
(b) Regulation 3 of the Jobseeker's Allowance (Transitional Provisions) Regulations 1996(i),
after the words "invalid care allowance" wherever they occur, there shall be added "or carer's allowance, as the case may be,".

(a) S.I. 1996/2570.

(b) S.I. 1996/2744.

(c) S.I. 1996/3195; the relevant amending instruments are S.I. 1997/454 and S.I. 1998/563. Regulation 4 is revoked by S.I. 2000/3176 with transitional provisions.

(d) S.I. 1999/3108; the relevant amending instruments are S.I. 2000/1926 and S.I. 2001/1189.

(e) S.I. 2000/636.

(f) S.I. 2001/155.

(g) S.I. 2002/1703.

(h) S.I. 1987/1968; the relevant amending instruments are S.I. 1988/522, S.I. 1989/1686, S.I. 1990/725 and 2208, S.I. 1991/2284 and 2741, S.I. 1993/2113, 2319 and 3108, S.I. 1996/1460 and 2431, S.I. 1997/793 and 2290, S.I. 1999/2572 and 3108, S.I. 2000/636, 897, 1483, 1596, 1982 and 2978, S.I. 2001/567 and 892, and S.I. 2002/428 and 1397.

(i) S.I. 1996/2567; the relevant amending instrument is S.I. 1997/454.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Invalid Care Allowance) Regulations 1976 (S.I. 1976/409) and other Regulations as a consequence of changes made to section 70 of the Social Security Contributions and Benefits Act 1992 by the Regulatory Reform (Carer's Allowance) Order 2002 (S.I. 2002/1457).

Regulation 2 revokes regulations 10 and 11 of the Social Security (Invalid Care Allowance) Regulations 1976. These regulations are revoked as the powers under which they are made, namely section 70(5) and (6) of the Social Security Contributions and Benefits Act 1992, are repealed by article 3(2) of the Regulatory Reform (Carer's Allowance) Order 2002.

Regulation 3 brings into force Schedule 2 to these Regulations which makes changes to secondary legislation, as a consequence of the change of the name of the allowance from invalid care allowance to carer's allowance.

These Regulations do not impose any charge on business.

2002 No.

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