
STATUTORY INSTRUMENTS

2023 No. 1218

The Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023

Part 4

Northern Ireland

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

29.—(1) The Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(1) are amended as follows.

(2) For regulation 2(1) (interpretation), substitute—

“(1) In these Regulations—

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

“carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.”.

(3) For the heading to regulation 7, substitute “Manner of electing the person entitled to a carer’s allowance in respect of a severely disabled person for the purposes of section 70 of the Contributions and Benefits Act”.

(4) In regulation 7—

(a) in paragraph (1), for “section 70(7)” substitute “section 70(7) and (7ZA)”;

(b) after paragraph (1) insert—

“(1A) For the purposes of section 70(7ZB) and (7ZC) of the Contributions and Benefits Act, which provides that where, apart from that section, one person (A) has an entitlement to carer support payment and another person (B) would have a relevant entitlement for the same day in respect of the same severely disabled person, persons A and B may jointly elect in the prescribed manner that B is to have that entitlement, an election shall be made by giving the Department a notice in writing signed by both A and B specifying that B shall have the relevant entitlement and A shall not have an entitlement to carer support payment.”;

(c) in paragraph (2)—

(i) for “paragraph (1)”, substitute “paragraph (1) or (1A)”;

(ii) after “a carer’s allowance”, insert “, carer support payment”.

(5) In regulation 9 (conditions relating to residence and presence in Northern Ireland), after paragraph (1) insert—

(1) [S.R. 1976 No. 99](#); relevant amending instruments are [S.R. 1996 No. 11](#), [1996 No. 521](#), [S.R. 2002 No. 323](#) and [S.R. 2016 No. 236](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(1B) A person who, by virtue of regulation 42(1) of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023, is to be treated as satisfying regulation 6(1) (a) of those Regulations (condition of being ordinarily resident in Scotland) for a period of 13 weeks is to be treated, for that period, as not satisfying the condition in paragraph (1) (a) of this regulation.”.

(6) The manner of election specified in regulation 7(1A) (as inserted by paragraph (4)(b) above) is to be regarded as being the “prescribed manner” within the meaning of section 70(7ZC) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.