1971. No. 139 [C]

NATIONAL INSURANCE

Attendance Allowance

REGULATIONS, DATED 14TH MAY 1971, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966 TO 1970.

The National Insurance Joint Authority, in exercise of powers conferred by section 49 of the National Insurance Act (Northern Ireland) 1966(**a**) and the Ministry of Health and Social Services, in exercise of powers conferred by sections 47, 48(1), 51, 72, 74 and 80(3) and (4) of that Act and sections 4 and 6 of the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970(**b**), in each case in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations being regulations subject to negative resolution in accordance with section 101(3) of the said Act of 1966:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Attendance Allowance) Regulations (Northern Ireland) 1971 and shall come into operation on 17th May 1971.

(2) In these regulations—

"the Act of 1970" means the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970;

"a child" means a person who is under the age of 16;

"the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**c**);

"the principal Act" means the National Insurance Act (Northern Ireland) 1966.

(3) References in these regulations to a person's father, mother, son, daughter, brother or sister shall include references to his step-father, step-mother, step-son, step-daughter, half-brother and step-brother, or half-sister and step-sister as the case may be and a person shall be treated as such a relative if he is such a relative by adoption or would be such a relative if some person born illegitimate had been born legitimate.

(**a**) 1966. c. 6 (N.I.).
(**b**) 1970. c. 28 (N.I.).
(**c**) 1966. c. 9 (N.I.).

PART II

RESIDENCE AND PRESENCE IN NORTHERN IRELAND

Entitlement conditions relating to residence and presence in Northern Ireland

2.—(1) Subject to the following provisions of this regulation, the prescribed conditions for the purposes of section 4(2) of the Act of 1970 (entitlement to attendance allowance) in relation to any person in respect of any day shall be—

(*a*) that he is ordinarily resident in Northern Ireland; and

(*b*) that he is present in Northern Ireland; and

(*c*) that he has been present in Northern Ireland for a period of, or periods amounting in the aggregate to, not less than 26 weeks in the 12 months immediately preceding that day; and

(*d*) in the case of a person who is a British subject whose place of birth is not in the United Kingdom or a British protected person within the meaning of the British Nationality Act 1948(**d**), that he has been present in Northern Ireland for a period of, or periods amounting in the aggregate to, not less than 52 weeks in the period of 2 years immediately preceding that day; and

(*e*) in the case of a person who is neither a British subject nor a British protected person within the meaning of the British Nationality Act 1948, that he has been present in Northern Ireland for a period of, or periods amounting in the aggregate to, not less than 156 weeks in the period of 4 years immediately preceding that day; and

(*f*) in the case of a person who, in respect of a period which includes that day, receives emoluments to which regulation 10A of the Family Allowances (Qualifications) Regulations (Northern Ireland) 1970(**e**) (certain persons exempt from United Kingdom income tax), applies, or the spouse, or son or daughter under the age of 16, of such a person, that he was present in Northern Ireland for a period of, or periods amounting in the aggregate to, 156 weeks in the period of 4 years immediately preceding the period in respect of which he first receives or received such emoluments.

(2) For the purposes of paragraphs (1)(*b*) and (*c*) a person who is absent from Northern Ireland on any day shall be treated as being present in Northern Ireland—

(*a*) if on that day he is—

(i) a merchant seaman within the meaning of the Family Allowances (Qualifications) Regulations (Northern Ireland) 1970; or

(ii) a member of the forces within the meaning of those regulations; or

(iii) living with such a member of the forces and is that member's spouse, son, daughter, father, father-in-law, mother or mother-in-law; or

(*b*) if his absence is, and when it began was, for a temporary purpose and has not lasted for a continuous period exceeding 6 months; or

(*c*) where his absence is temporary and for the specific purpose of his being treated for incapacity or a disabling condition which commenced before he left Northern Ireland, during such period as the Ministry may allow having regard to the circumstances of the case.

(d) 11 & 12 Geo. 6. c. 56.
(e) S.R. & O. (N.I.) 1970, No. 23, as amended by S.R. & O. (N.I.) 1970, No. 67.

(3) For the purposes of paragraph (1)(*d*) and (*e*)—

(*a*) a person who is absent from Northern Ireland on any day shall be treated as being present in Northern Ireland if on that day he is a person mentioned in paragraph (2)(*a*);

(*b*) a child who does not satisfy the condition which applies to him shall be treated as having satisfied it if the person who would otherwise be entitled to the allowance either satisfies the condition which would be applicable to that person or is a British subject whose place of birth is in the United Kingdom.

(4) Paragraph (1)(*f*) shall not apply to any person, or to his spouse, or son or daughter under the age of 16, in respect of a day if, in relation to the income tax year immediately preceding the income tax year in which that day falls, he proves that the amount of his emoluments to which paragraph (1)(*f*) refers was less than his total income as defined in section 528 of the Income and Corporation Taxes Act 1970(f).

(5) Where attendance allowance has been payable in respect of any person for any day, the conditions set out in paragraph (1)(*d*) and (*e*) shall not apply to that person in respect of any subsequent day.

Exception from disqualification for receipt of benefit

3. Without prejudice to the provisions of the Act of 1970 and of regulation 2 relating to conditions as to presence in Northern Ireland, attendance allowance shall be a benefit which is excepted from the operation of section 48(1) of the principal Act (disqualification for receipt of benefit) in so far as it relates to a person who is absent from Northern Ireland.

PART III

ADULTS IN HOSPITAL AND CERTAIN OTHER ACCOMMODATION

Adults in hospital

4. Subject to regulation 6, it shall be a condition for the receipt of attendance allowance for any period in respect of any person who has attained the age of 16, that during that period he is not maintained free of charge while undergoing medical or other treatment as an in-patient—

(*a*) in a hospital or similar institution maintained or administered by the Northern Ireland Hospitals Authority under the Health Services Acts (Northern Ireland) 1953-1971(g), or by or on behalf of the Secretary of State for Social Services, or the Secretary of State for Defence; or

(*b*) in pursuance of arrangements made, or having effect as if made, by the said Northern Ireland Hospitals Authority, the Secretary of State for Social Services or the Secretary of State for Defence, in a hospital or similar institution not so maintained or administered;

and, for this purpose, a person shall only be regarded as not being maintained free of charge in a hospital or similar institution for any period if he is paying or has paid, in respect of his maintenance, charges which are designed to cover the whole cost of the accommodation or services (other than services by way of treatment) provided for him in the hospital or similar institution for that period.

(f) 1970. c. 10. (g) 1971. c. 1 (N.I.).

Adults in certain accommodation other than hospitals

5. Subject to regulation 6, attendance allowance shall not be payable in respect of any person who has attained the age of 16 for any period during which he is a person for whom accommodation is provided in pursuance of the Welfare Services Act (Northern Ireland) 1971(h).

Exception from regulations 4 and 5

6.—(1) Where a person was entitled to attendance allowance in respect of the period immediately before he commenced to undergo any treatment or entered any accommodation mentioned in regulation 4 or 5, as the case may be, those regulations shall not apply in respect of the first 4 weeks of any period during which he is undergoing such treatment or is in such accommodation.

(2) For the purposes of paragraph (1) of this regulation—

(*a*) 2 or more distinct periods separated by an interval not exceeding 28 days, or by 2 or more such intervals, shall be treated as a continuous period equal in duration to the total of such distinct periods and ending on the last day of the later or last such period;

(*b*) any period or periods to which regulation 4 or 5 refers shall be taken into account and aggregated with any period to which the other of them refers.

PART IV

CHILDREN

Modification of section 4(2) of the Act of 1970 in its application to children

7.—(1) Section 4(2) of the Act of 1970 (entitlement to attendance allowance) shall have effect in relation to a child subject to the modifications contained in the following provisions of this regulation.

(2) No person shall be entitled to an attendance allowance in respect of a child under the age of 2.

(3) In respect of a child who has attained the age of 2 the person entitled to an attendance allowance shall be—

(*a*) in the case of a child living with his mother, his mother;

(*b*) in the case of a child to whom sub-paragraph (*a*) does not apply, if the child is living with his father, his father;

(*c*) in any other case—

(i) a person with whom the child is living; or

(ii) a person, being the child's mother, father, grandparent, brother or sister, who is contributing to the cost of providing for him.

(4) Section 4(2)(*a*) and (*b*) shall have effect as if at the end of each paragraph there were included the words "and requires attention and supervision substantially in excess of that normally required by a child of the same age and sex".

(5) Paragraph (3) of this regulation shall have effect subject to the following provisions—

(*a*) only one person shall be entitled to an attendance allowance in respect of a child for any period, and if more than one person would otherwise be entitled to the allowance for that period, the person entitled to it shall be such one of them as the Ministry may in its discretion decide; and

(h) 1971. c. 2 (N.I.).

(*b*) where a sum has been paid to any person on account of attendance allowance in respect of a child for any period and has not been repaid or recovered, no attendance allowance shall be payable in respect of that child for that period to any other person notwithstanding that that other person otherwise establishes title to it; and

(*c*) attendance allowance payable to a woman who is entitled to it by virtue of the said paragraph (3) and who is living with her husband shall be receivable by her or by her husband; and

(*d*) any period of—

(i) absence of a child from any person shall be disregarded for the first 4 weeks of that period and, in a case where that person is one of spouses living together and the other spouse would have become entitled to the allowance had he claimed it, for such further weeks, if any, as the Ministry may in its discretion decide;

(ii) interruption in the contributions of a person shall be disregarded for the first 4 weeks of that period;

so however that this paragraph shall not apply where some other person would but for this paragraph be entitled to the allowance; and

(*e*) where a child would be regarded as living with a person although absent from that person, they shall be deemed to have ceased to live together after the expiration of any period of absence disregarded in pursuance of sub-paragraph (*d*); and

(*f*) a person shall be treated as contributing to the cost of providing for a child if that person is one of spouses living together and the other of them is so contributing.

(6) For the purposes of paragraph (5)(*c*), (*d*) and (*f*) a woman shall not be deemed to be living otherwise than with her husband unless they are permanently living in separation either by agreement or under an order of a court, or one of them has deserted the other and the separation which is incident to the desertion has not come to an end.

Modification of section 4(4) *of the Act of* 1970 *in its application to children*

8.—(1) Section 4(4) of the Act of 1970 (attendance allowance not payable in certain circumstances) shall have effect in relation to a child as if it provided additionally that, subject to the following provisions of this regulation, an attendance allowance shall not be payable for any period during which—

(*a*) the child is not accommodated in a private household unless the person to whom the allowance would otherwise be payable is contributing to the cost of providing for the child at a weekly rate not less than the aggregate amount of—

(i) the attendance allowance; and

(ii) where an allowance under the Family Allowances Act (Northern Ireland) 1966(i) is payable to that person, any contribution necessary in order that the child may be treated, for the purposes of that Act, as being included in the same family as that person; and

(iii) where in respect of the child any benefit or increase of benefit is payable under the principal Act or the Industrial Injuries Act to that person or his spouse, any contribution required in respect of the child for the purposes of section 41(1)(*b*) of the principal Act or, as the case may be, section 17(4)(*b*) or 21(4) of the Industrial Injuries Act;

(i) 1966. c. 8 (N.I.).

so however that in a case to which head (iii) of this sub-paragraph applies head (ii) shall not apply unless an allowance under the Family Allowances Act (Northern Ireland) 1966 is payable in respect of the child as a child of that person's family; or

(*b*) the child is living in accommodation provided in pursuance of any of the enactments mentioned in the Schedule and is not living with his mother or father; or

(*c*) the child is undergoing medical or other treatment as an in-patient in a hospital or similar institution; in this sub-paragraph "hospital or similar institution" means any premises for the reception and treatment of persons suffering from any illness, including any mental disorder, or of persons suffering from physical disability, and any premises used for providing treatment during convalescence or for medical rehabilitation.

(2) Where any person was entitled to attendance allowance in respect of a child for the period immediately before that child commenced to undergo such medical or other treatment as is mentioned in paragraph (1)(*c*), paragraph (1)(*a*) and (*c*) shall not apply to the first 4 weeks of any period during which the child is undergoing that medical or other treatment, so however that, for the purposes of this paragraph, 2 or more distinct periods separated by an interval not exceeding 28 days, or by 2 or more such intervals, shall be treated as a continuous period equal in duration to the total of such distinct periods and ending on the last day of the later or last such period.

(3) Paragraph (1)(*c*) shall not apply where the person concerned is contributing to the cost of providing for the child at a weekly rate of not less than the contributions required in respect of the child for the purposes of paragraph (1)(*a*) and the child is undergoing medical or other treatment as an in-patient—

(*a*) in a hospital or similar institution mentioned in regulation 4 and is not being maintained free of charge within the meaning of that regulation; or

(*b*) in any hospital or similar institution (within the meaning of the said paragraph (1)(*c*)) not so mentioned.

(4) For the purposes of paragraphs (1)(*a*) and (3) a person shall be treated as contributing a sum if that person is one of spouses living together and those spouses taken together are contributing that sum; and for the purposes of this paragraph spouses shall not be deemed to be living otherwise than together unless they are permanently living in separation either by agreement or under an order of a court, or one of them has deserted the other and the separation which is incident to that desertion has not come to an end.

PART V

CLAIMS AND PAYMENTS

Claims in advance

9.—(1) A claim for attendance allowance may be made during the period of 6 months mentioned in section 4(3) of the Act of 1970 and an award may be made in pursuance of the claim.

(2) Any such award shall be subject to the condition that the person to whom the claim relates satisfies one of the conditions mentioned in section 4(3) of the Act of 1970 and may be reviewed at any time if it is found that no condition so mentioned was satisfied at some time during the period of the award or the interval between the making of the award and the beginning of that period.

Claims to be treated as claims for attendance allowance

10. A claim for benefit under the Supplementary Benefits &c. Act (Northern Ireland) 1966(j) may be treated additionally as a claim for attendance allowance.

Time and manner of payment of attendance allowance

11.—(1) Subject to the following provisions of this regulation, the provisions of regulation 10 of the National Insurance (Claims and Payments) Regulations (Northern Ireland) 1961(k) (time and manner of payment of certain benefits), other than paragraphs (4) and (7) thereof, shall apply to an attendance allowance as if an attendance allowance were a pension within the meaning of those regulations.

(2) Subject to the provisions of the said regulation 10, weekly sums on account of attendance allowance shall be payable on Mondays, so however that the Ministry may in any particular case or class of cases arrange for the allowance to be payable on any other day of the week and where it is in payment to any person and the day on which it is payable is changed, it shall be paid at a daily rate of one-seventh of the weekly rate in respect of any days for which payment would have been made but for that change.

(3) Notwithstanding the provisions of the said regulation 10, an attendance allowance shall be paid at a daily rate of one-seventh of the weekly rate in any case where it becomes payable for a period of less than a week which is immediately preceded and immediately succeeded by periods during which—

(*a*) the person in respect of whom it is payable was in a hospital or similar institution in circumstances to which regulation 4 or 8(1)(*c*) applied; or

(*b*) an allowance was not payable because regulation 5 or 8(1)(*b*) applied.

Amendment of the National Insurance (Claims and Payments) Regulations

12. In Part II of Schedule 1 to the National Insurance (Claims and Payments) Regulations (Northern Ireland) 1961 (claims for certain benefits to be interchangeable with claims under the Industrial Injuries Act) there shall be added in the first column the words "Increase of disablement pension where constant attendance needed" and in the second column opposite thereto, the words "Attendance allowance".

PART VI

REVIEWS OF DETERMINATIONS

Application for reviews of determinations made by the Board

13.—(1) An application for a review, in pursuance of section 6(3)(*a*) or (*b*) of the Act of 1970, of a determination may be made by the claimant or the Ministry and shall be made in writing to the Board stating the grounds of the application; any such application by the claimant shall be delivered or sent to a local office, and, in the case of an application by the Ministry, the Ministry shall send a copy of it to the claimant.

(2) On receipt of any such application the Board shall proceed to deal with it in accordance with the provisions of section 6 of the Act of 1970.

(j) 1966, c. 28 (N.I.). (k) S.R. & O. (N.I.) 1961, No. 221.

(3) In this regulation, "a local office" means any office appointed by the Ministry as a local office for the purposes of the principal Act or of these regulations.

Reviews of determinations made by the Board

14.—(1) The prescribed period within which the Board may, in pursuance of section 6(3)(*b*) of the Act of 1970, review a determination on any ground, shall be a period of 3 months from the date of the determination.

(2) Where the Board have reviewed a determination or have refused to review a determination the claimant and the Ministry shall be notified in writing of the determination on the review or of that refusal, as the case may be, and the reasons for it, and the claimant shall be notified of the conditions governing an appeal to the Commissioner.

Amendment of the National Insurance (Determination of Claims and Questions) Regulations

15. In regulation 15(1)(*c*) of the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland) 1968(I) (decisions involving payment of or increase in benefit), after the words "widow's benefit," there shall be inserted the words "attendance allowance,".

PART VII

APPEALS

Appeals to the Commissioner on a question of law

16.—(1) Subject to the following provisions of this regulation, the claimant or the Ministry may appeal to the Commissioner, with the leave of the Commissioner, against a determination by the Board of any question of law arising on a review by the Board in pursuance of section 6(3) of the Act of 1970 (determinations by the Board whether certain conditions for attendance allowance are satisfied) or arising in connection with a refusal by the Board to review a determination made in pursuance of section 6(2) of that Act.

(2) An application for leave to appeal by virtue of paragraph (1) shall be made in writing to the Commissioner within 3 months from the date on which the determination on review or refusal to review, as the case may be, was sent to the claimant or within such further time as the Commissioner may for special reasons allow; and every such application shall include a statement of the question of law in respect of which it is alleged that the determination or refusal by the Board is erroneous and on which it is wished to appeal.

(3) An application by a claimant under paragraph (2) shall be delivered or sent to a local office, and where the application is made by the Ministry, the Ministry shall send a copy of it to the claimant; and in each case the Ministry shall send to the Commissioner the application and a copy of the determination on which the question of law is alleged to arise.

(4) Subject to the provisions of regulation 17(5), an appeal against a determination of the Board shall be brought by giving notice thereof in writing at a local office within 3 months from the date on which the decision giving leave to appeal was made, or within such further time as the Commissioner may for special reasons allow; and any such notice shall include a statement of the question of law in respect of which it is alleged that the determination of the Board is erroneous.

(I) S.R. & O. (N.I.) 1968, No. 172.

(5) The Ministry shall send to the Commissioner any notice of an appeal under paragraph (4); and where the Ministry gives the notice it shall send a copy of it to the claimant.

(6) In this regulation, "a local office" means any office appointed by the Ministry as a local office for the purposes of the principal Act or of these regulations.

Provisions as to the hearing and determination of applications for leave to appeal and of appeals

17.—(1) If the Ministry or the claimant, as the case may be, makes a request to the Commissioner for a hearing of an application for leave to appeal or of an appeal, such request shall be granted unless, after considering the documents in the case and the reasons put forward in such request, the Commissioner is satisfied that the application or appeal can properly be determined without a hearing, in which event he may refuse such request and proceed to determine the application or appeal and the person who made the request shall be informed in writing of such refusal.

(2) If, in accordance with the provisions of paragraph (1), a request for a hearing has been granted or if, notwithstanding that no request has been made, the Commissioner is otherwise satisfied that a hearing is desirable, reasonable notice of the time and place of the hearing shall be given to the Ministry and the claimant and every such hearing shall be in public except in so far as the Commissioner for special reasons may otherwise direct.

(3) The Ministry and the claimant shall have the right to be present and to be heard at such a hearing and may be represented by counsel or solicitor or (with the consent of the Commissioner) any other person.

(4) If any person to whom notice of hearing has been duly given in accordance with paragraph (2) should fail to appear either in person or by representative at the hearing, the Commissioner may proceed to determine the application or appeal notwithstanding the absence of such person, or may give such directions as are thought proper with a view to the determination of the application or appeal.

(5) Where the Commissioner, upon consideration of an application made to him in accordance with the provisions of regulation 16, gives leave to appeal, he may proceed to determine any question of law stated in the application for leave to appeal as though it were a question of law arising on an appeal and as though the application were an appeal; so however that he shall not so proceed unless the consent of the Ministry and the claimant has been given.

(6) The Commissioner may either before, or at any time during, the hearing of an appeal require the Board to submit such statement of the facts on which the question of law submitted for his decision arises as he considers necessary for the proper determination of that question.

(7) Where on an application for leave to appeal or on an appeal there is before the Commissioner medical advice or medical evidence relating to a disabled person (whether the claimant or not) which has not been disclosed to the claimant and in the opinion of the Commissioner the disclosure to the claimant of that advice or evidence would be harmful to his health, such advice or evidence shall not be required to be disclosed to him, but the Commissioner shall not by reason of such non-disclosure be precluded from taking it into account for the purpose of his determination of the application or appeal.

(8) Subject to the provisions of these regulations the procedure in connection with the consideration and determination of any application or appeal shall be such as the Commissioner may determine.

Decisions of the Commissioner

18.—(1) The decision of the Commissioner on an application for leave to appeal or on any question of law raised by any appeal shall be recorded in writing and signed by him, and a copy thereof shall be sent as soon as may be practicable to the claimant and to the Ministry.

(2) The Ministry shall inform the Board of any such decision in which the Commissioner holds that the determination of the Board was erroneous in law, and the Board shall review its determination for the purpose of confirming or revising it.

Tribunal of Commissioners

19. Section 9(5) of the National Insurance (No. 2) Act (Northern Ireland) 1966(**m**) (under which an appeal involving a question of law of special difficulty may be heard by a tribunal of Commissioners) shall apply in relation to an appeal brought in pursuance of these regulations and, except where the context otherwise requires, any reference in regulation 17 or 18 to the Commissioner includes a reference to such a tribunal.

Exercise of power to extend time limits

20. Any power given by this Part of these regulations to extend the period during which anything is required to be done under these regulations or to dispense with any of the requirements thereof may be exercised in any case, notwithstanding that the period during which the thing is required to be done has expired.

PART VIII

MISCELLANEOUS AMENDMENTS TO REGULATIONS

Amendment of the National Insurance (General Benefit) Regulations

21. In regulation 8(2)(*b*) of the National Insurance (General Benefit) Regulations (Northern Ireland) 1948(**n**) (suspension of payment of benefit pending the determination of certain appeals) after the words "widow's benefit," there shall be inserted the words "attendance allowance,".

Amendment of the National Insurance (Overlapping Benefits) Regulations

22. In Part II of the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1961(**o**), after regulation 8 there shall be inserted the following regulation—

"*Attendance allowance*

8A.—(1) Notwithstanding the foregoing provisions of these regulations, no adjustments shall be made under those provisions between attendance allowance and any other personal or dependency benefit under the Act, no such benefit shall be adjusted by reference to attendance allowance and attendance allowance shall be adjusted only in accordance with paragraph (2).

(**m**) 1966, c. 16 (N.I.).
(**n**) S.R. & O. (N.I.) 1948, No. 208,
(**o**) S.R. & O. (N.I.) 1961, No. 180,

(2) Where attendance allowance is payable in respect of any person for any period and any other benefit based on his need for attendance is payable for that period under the Industrial Injuries Act or any Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme, Personal Injuries Scheme, Service Pensions Instrument or 1914-1918 War Injuries Scheme, the attendance allowance shall be adjusted by deducting from it the amount of that other benefit and only the balance (if any) shall be payable for that period in respect of the attendance allowance."

Given under the Official Seal of the National Insurance Joint Authority this 14th day of May 1971.

(L.S.) *D. G. Kelly,*
Secretary.

Given under the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 14th day of May 1971.

(L.S.) *S. H. O'Fee,*
Assistant Secretary.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 14th day of May 1971.

(L.S.) *C. F. Darling,*
Assistant Secretary.

SCHEDULE Regulation 8(1)(*b*)

Attendance allowance not payable for children living in accommodation provided in pursuance of the enactments shown

c. 34.	The Children and Young Persons Act (Northern Ireland) 1968	sections 73, 103 and 114
c. 3.	The Education Act (Northern Ireland) 1947	section 29(2)
c. 2.	The Welfare Services Act (Northern Ireland) 1971	sections 3(1) and 6(1)(*a*), (2), (3) and (4)
c. 1.	The Health Services Act (Northern Ireland) 1971	sections 25(1) and (2), 37 and 46

EXPLANATORY NOTE

(*This note is not part of the regulations, but is intended to indicate their general purport.*)

These regulations contain provisions relating to the attendance allowance introduced by the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970.

The regulations prescribe the conditions for entitlement to an attendance allowance relating to residence and presence in Northern Ireland. They also provide that attendance allowance is not to be paid to persons receiving free hospital in-patient treatment or who are provided with certain other accommodation.

Special provision is made for persons under 16 years of age. There will be no title to attendance allowance for a child under 2 years of age and for children over that age there is to be the additional medical requirement that the child needs attention and supervision substantially in excess of that normally required. Generally the person entitled to the allowance will be the child's mother; if the child is not living with her, it will be the father or other person with whom the child is living.

Provision is made for appeals to a Commissioner on questions of law arising on determinations by the Attendance Allowance Board for Northern Ireland.

The regulations contain provisions relating to claims for and payment of attendance allowance and provisions of a minor or consequential nature.