1987 No. 413

SOCIAL SECURITY

The Social Security (Attendance Allowance) Regulations (Northern Ireland) 1987

Made . . . . . *3rd November 1987*

Coming into operation . . *14th December 1987*

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The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 35 and 85(1) of the Social Security (Northern Ireland) Act 1975(**a**) and paragraphs 3 and 7 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(**b**) and of all other powers enabling it in that behalf, and for the purpose only of consolidating the regulations hereby revoked, hereby makes the following regulations:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1987 and shall come into operation on 14th December 1987.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Social Security (Northern Ireland) Act 1975;

"the Board" means the Attendance Allowance Board;

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

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1972(**c**);

"Scheduled enactment" means any enactment referred to in Schedule 1 to these regulations.

(**a**) 1975 c. 15; section 35 was amended by Article 3 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and paragraph 8 of Part II of Schedule 1 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)) and section 85(1) was amended by paragraph 29 of Schedule 4 to, the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16))

(**b**) 1975 c. 18

(**c**) S.I. 1972/1265 (N.I. 14)

(3) For the purposes of regulations 4 and 11(1)(*b*) references to the cost of the accommodation shall not include the cost of—

(*a*) domiciliary services provided in respect of a person or child in a private dwelling;

(*b*) improvements made to, or furniture or equipment provided for, a private dwelling on account of the needs of a person or child under disability;

(*c*) improvements made to, or furniture or equipment provided for, residential homes or other homes or premises in respect of which a grant or payment has been made out of public or local funds except where the grant or payment is of a regular or repeated nature;

(*d*) social and recreational activities provided outside the accommodation in respect of which grants or payments are made out of public or local funds;

(*e*) the purchase or running of a motor vehicle to be used in connection with the accommodation in respect of which grants or payments are made out of public or local funds; or

(*f*) such other services, amenities and requisites as the Department may direct.

(4) Unless the context otherwise requires, any reference in these regulations to—

(*a*) a person's father, mother, son, daughter, brother or sister shall include reference 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;

(*b*) a numbered section is a reference to the section of the Act bearing that number;

(*c*) a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph of that regulation bearing that number.

PART II

RESIDENCE AND PRESENCE IN NORTHERN IRELAND

Entitlement conditions relating to residence and presence in Northern Ireland

2.—(1) Subject to paragraphs (2) and (3), the prescribed conditions for the purposes of section 35(1) as to the residence and presence in Northern Ireland in relation to any person in respect of any day shall be—

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

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

(*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, in respect of a period which includes that day, receives earnings or other emoluments to which regulation 11 of the Child Benefit (General) Regulations (Northern Ireland) 1979(**a**) (persons exempt from 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 paragraph (1)(*b*) and (*c*) notwithstanding that on any day a person is absent from Northern Ireland he shall be treated as though he were present in Northern Ireland if his absence is by reason of the fact that on that day—

(*a*) he is abroad in his capacity as—

(i) a serving member of the forces within the meaning of the definition of "serving member of the forces" in regulation 1(2) of the Social Security (Contributions) Regulations 1979(**b**), or

(ii) an airman or mariner within the meaning of regulation 80 and regulation 84 respectively of the Social Security (Contributions) Regulations (Northern Ireland) 1979(**c**);

(*b*) he is in prescribed employment in connection with continental shelf operations within the meaning of regulation 85 of the Social Security (Contributions) Regulations 1979(**d**);

(*c*) he is living with a person mentioned in sub-paragraph (*a*)(i) and is the spouse, son, daughter, father, father-in-law, mother or mother-in-law of that person;

(*d*) his absence from Northern Ireland is, and when it began was, for a temporary purpose and has not lasted for a continuous period exceeding 26 weeks; or

(*e*) his absence from Northern Ireland is temporary and for the specific purpose of his being treated for incapacity, or a disabling condition, which commenced before he left Northern Ireland, and the Department has certified that it is consistent with the proper administration of the Act that, subject to the satisfaction of the foregoing condition in this sub-paragraph, he should be treated as though he were present in Northern Ireland.

(3) Paragraph (1)(*d*) 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 tax year immediately preceding the tax year in which that day falls, he proves that the amount of his emoluments to which paragraph (1)(*d*) refers was less than his total income as defined in section 528 of the Income and Corporation Taxes Act 1970(**e**).

(**a**) S.R. 1979 No. 5; the relevant amending regulations are S.R. 1984 No. 78
(**b**) S.I. 1979/591
(**c**) S.R. 1979 No. 186; to which there are amendments not relevant to these regulations
(**d**) S.I. 1979/591; the relevant amending instrument is S.I. 1982/1738
(**e**) 1970 c. 10

PART III

ADULTS IN HOSPITAL AND CERTAIN OTHER ACCOMMODATION

Adults in hospital

3. Subject to regulation 5, 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 under the Order, or by or on behalf of the Secretary of State, or by or on behalf of the Defence Council; or

(*b*) in pursuance of arrangements made, or having effect as if made, by a Health and Social Services Board established under Article 16 of the Order, the Secretary of State or the Defence Council, 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.

Adults in certain accommodation other than hospitals

4.—(1) Except in the cases specified in paragraphs (2) and (3) and subject to regulation 5, attendance allowance shall not be payable in respect of a person who has attained the age of 16 for any period during which that person is living in accommodation—

(*a*) provided for him in pursuance of Article 5, 7, 15 or 36 of the Order(**a**);

(*b*) provided for him in circumstances in which the cost of the accommodation is being borne wholly or partly out of public or local funds in pursuance of a Scheduled enactment; or

(*c*) provided for him in circumstances in which the cost of the accommodation may be borne wholly or partly out of public or local funds in pursuance of a Scheduled enactment.

(2) Paragraph (1) shall not apply in the case of a person under the age of 18, who is provided with accommodation in a private dwelling in pursuance of Article 36(1)(*b*) of the Order.

(3) Paragraph (1)(*c*) shall not apply in respect of the following accommodation—

(*a*) temporary accommodation provided for the homeless; or

(*b*) accommodation in such other case or class of case as the Department may direct.

(a) Article 36 was amended by Article 11(2) of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26))

Exception from regulations 3 and 4

5.—(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 3 or 4, 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)—

(*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 3 or 4 refers shall be taken into account and aggregated with any period to which the other of them refers.

(3) Where a child who was resident in accommodation to which regulation 11(1) refers (children in hospital and certain other accommodation) attains the age of 16, the periods to which this regulation applies shall include any periods to which regulation 11(1) and (4) formerly applied, provided that the final period to which regulation 11(1) or (4) applied and the first period to which either regulation 3 or 4 applies are not separated by more than 28 days.

PART IV

RE-QUALIFICATION AND RENAL DIALYSIS

Qualifying period for entitlement to an allowance after an interval of non-entitlement

6.—(1) This regulation has effect in respect of a claim for attendance allowance where for a period immediately preceding the date of the claim, either—

(*a*) there was not in force a certificate issued under section 35(2) (period for which an allowance is payable), and the Board consider that the person in respect of whom the claim is made has satisfied or is likely to satisfy either or both of the conditions specified in section 35(1) (the day and night conditions) for a period of at least 6 months beginning not more than 2 years after a period during which there was in force a certificate under section 35(2) in respect of that person; or

(*b*) such a certificate was in force but it did not state that both the conditions specified in section 35(1) were satisfied and the Board consider that the person in respect of whom the claim is made has satisfied or is likely to satisfy both the conditions specified in section 35(1) for a period of at least 6 months beginning not more than 2 years after a period during which there was in force a certificate under section 35(2) in respect of that person stating that both the conditions specified in section 35(1) were satisfied.

(2) This regulation also has effect in a case where a beneficiary applies for review of an award of an allowance at the lower rate if the condition in paragraph (1)(*b*) — substituting in it for the reference to the claim a reference to the application for review — is satisfied in relation to a period immediately preceding the date of such application.

(3) In a case to which this regulation applies the period prescribed under section 35(2)(*b*) (condition that a qualifying period of not less than 6 months must precede the period for which the Board may issue a certificate), for the purpose of allowing and setting a limit to an interval between the qualifying period and that for which the Board determine that the person concerned again satisfies or is likely to satisfy the conditions applicable under section 35(2)(*a*) (conditions to be satisfied in a period for which a certificate is issued), is 2 years.

Dialysis prescribed for purpose of a person's satisfying one of the conditions for an allowance

7.—(1) In the case of a person suffering from renal failure, treatment by way of renal dialysis administered regularly for 2 or more sessions a week, in the course of which and as a result of which he requires from another person attention in connection with his bodily functions or supervision in order to avoid substantial danger to himself, is hereby prescribed under section 35(2A) (persons deemed to satisfy conditions for an allowance) to the extent indicated in paragraph (2).

(2) In a period throughout which a person undergoes or is expected to undergo treatment prescribed by this regulation he shall be deemed to satisfy or to be likely to satisfy one of the 2 conditions mentioned in section 35(1) (day condition and night condition) for the purposes of—

(*a*) if regulation 8 applies to him in the period in question, section 35(2)(*b*), or

(*b*) in any other case, section 35(2).

(3) Persons suffering from renal failure to whom this regulation applies include any person undergoing treatment by way of renal dialysis as an out-patient in a hospital or in an institution treated as a hospital, being treatment under the Order, where the attention or supervision required in respect of that treatment is not provided by a member of the staff of that hospital or institution.

Persons dialysing as health service out-patients deemed not to satisfy conditions for an allowance

8.—(1) Except in cases to which regulation 7(3) applies, this regulation has effect where a person suffering from renal failure undergoes or is expected to undergo treatment by way of renal dialysis as an out-patient in a hospital or in an institution treated as a hospital, being treatment under the Order.

(2) Where this regulation has effect, for the purpose of section 35(2)(*a*), the person concerned shall be deemed not, by virtue of attendance requirements occasioned by treatment referred to in paragraph (1), to satisfy either of the conditions mentioned in section 35(1), but without prejudice to the application of section 35(2)(*b*) or to any rights under section 35 with respect to attendance requirements arising from any cause other than such treatment.

Allowance payable before the date of claim in renewal cases

9. If, on a fresh claim for an attendance allowance made within 6 months of the expiry of a certificate issued by the Board under section 35(2), being a certificate by virtue of which attendance allowance has been duly paid, the Board determine that one or both of the medical conditions for a certificate are satisfied and have been satisfied throughout the period since such expiry, the provision of section 35(4) rendering an allowance not payable for any period preceding the date of claim shall not apply to that fresh claim.

PART V

CHILDREN

Modification of section 35(1) to (4) in its application to children

10.—(1) Subsections (1) to (4) of section 35 shall have effect in relation to a child subject to the modifications contained in paragraphs (2) to (6).

(2) Subsection (1) shall have effect as if—

(*a*) for the words "if he satisfies" there were substituted "in respect of a child who has attained the age of 2 and who satisfies or is treated as having satisfied";

(*b*) for the words "he is" in both places where they appear there were substituted "the child is";

(*c*) after the word "functions" in both places where it appears, there were inserted "(being attention substantially in excess of that normally required by a child of the same age and sex)";

(*d*) after the word "others" in both places where it appears, there were inserted "(being supervision substantially in excess of that normally required by a child of the same age and sex)".

(3) Subsections (2) and (3) shall have effect as if references to a certificate were construed as references to a certificate issued in respect of the child.

(4) The person who in any given case shall be entitled to an attendance allowance in respect of a child 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.

(5) Paragraph (4) shall have effect subject to the following provisions—

(*a*) in a case to which paragraph (4)(*c*) applies, where, but for this sub-paragraph more than one person would be entitled to an attendance allowance in respect of a child for any period, the person so entitled shall be such one of those persons as the Department may determine;

(*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, attendance allowance in respect of that child for that period shall not be payable to any other person who may establish title to it except to the extent that it may be payable at a higher rate than that already paid;

(*c*) where a woman is living with her husband, attendance allowance to which she is entitled by virtue of paragraph (4) shall be payable to her or to her husband;

(*d*) except where some other person would, but for this sub-paragraph, be awarded the allowance, if a child has been living with any person that child shall be treated as continuing to live with him during any period—

(i) throughout which the child is not living with him which has not lasted for more than 28 days continuously; and

(ii) where that person is one of spouses living together and the other spouse would have become entitled to the allowance had he claimed it, during such further period as the Department may determine to be reasonable in all the circumstances of the case,

and, where a child would otherwise be regarded as living with a person although absent from that person he shall, subject to the provisions of this sub-paragraph, be deemed, for the purposes of attendance allowance, to have ceased so to live;

(*e*) a person, who has been contributing to the cost of providing for a child, shall be treated as continuing so to contribute during any period, in which he is not so contributing, which has not lasted for more than 28 days continuously; so however that this sub-paragraph shall not apply where some other person would, without the application of this sub-paragraph, be awarded the allowance; 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) In a case to which the provisions of paragraph (5)(*c*) have applied immediately before the woman dies or ceases to live with her husband and he continues to obtain payment of the attendance allowance, then for any period of payment for which under paragraph (4) he would have been entitled to the attendance allowance had he claimed it he shall be deemed, if he subsequently claims it, to have been so entitled.

Children in hospital and certain other accommodation

11.—(1) Section 35(6) (attendance allowance not payable in certain circumstances) shall have effect in relation to a child in accordance with the following provisions of this regulation and attendance allowance shall not be payable in respect of a child 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;

(ii) where child benefit under the Child Benefit (Northern Ireland) Order 1975(**a**) is payable in respect of the child to that person, any contribution necessary for the purpose of satisfying the requirement in Article 5(1)(*b*) of that Order; and

(iii) where in respect of the child any benefit or increase of benefit is payable under the Act to that person or his spouse, any contribution required in respect of the child for the purposes of section 43(1)(*b*) and (2) or, as the case may be, 65(1)(*b*) and (2) or, 70(2)(**b**);

(*b*) the child is living in accommodation—

(i) provided for him in pursuance of Article 5, 7, 15 or 36 of the Order;

(ii) provided for him in circumstances in which the cost of the accommodation is being borne wholly or partly out of public or local funds in pursuance of a Scheduled enactment; or

(iii) provided for him in circumstances in which the cost of the accommodation may be borne wholly or partly out of public or local funds in pursuance of a Scheduled enactment; 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) Paragraph (1)(*b*) shall not apply in the case of a child who is provided with accommodation in a private dwelling in pursuance of Article 36(1)(*b*) of the Order.

(3) Paragraph (1)(*b*)(iii) shall not apply in respect of the following accommodation—

(*a*) temporary accommodation provided for the homeless; or

(*b*) accommodation in such other case or class of case as the Department may direct.

(4) Subject to paragraph (5) where any person was entitled to attendance allowance in respect of a child for the period immediately before that child entered any accommodation mentioned in paragraph (1)(*a*) or (1)(*b*) or that child commenced to undergo any treatment mentioned in paragraph (1)(*c*) as the case may be, those paragraphs shall not apply to the first 4 weeks of any period during which the child is in such accommodation or is undergoing such treatment, so however that for the purposes of this paragraph—

(*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

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(**a**) S.I. 1975/1504 (N.I. 16)

(**b**) Sections 43(2) and 65(2) were amended by paragraphs 16 and 23 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)) and by Article 18(3) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)). Section 70 was substituted by paragraph 4 of Schedule 3 to the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8))

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 paragraph (1)(*a*), (1)(*b*) or (1)(*c*) refers shall be taken into account and aggregated with any other period to which the other paragraphs refer.

(5) Where—

(*a*) on a day or days falling within the period of 4 weeks ending immediately before 8th August 1983 a child has been living in accommodation in circumstances in which paragraph (1)(*b*) applies in his case; and

(*b*) since that day or the last of those days there has not been an interval of at least 29 consecutive days when that paragraph did not apply in the case of that child,

paragraph (4) shall not operate to make attendance allowance payable in respect of that child for any day throughout which he is living in such accommodation.

(6) 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 3 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.

(7) For the purposes of paragraphs (1)(*a*) and (6) 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.

(8) For the purposes of paragraph (1)(*b*), a child who is under the care of a Health and Social Services Board established under Article 16 of the Order shall not be treated as living in accommodation described in that paragraph while he is allowed to be under the charge and control of, and is living with, his mother or his father.

PART VI

TRANSITIONAL PROVISIONS AND REVOCATIONS

Transitional provisions

12.—(1) A certificate issued by the Board at any time before 6th April 1975 and which has not expired or been revoked before that date shall be treated as a certificate issued under section 35(2).

(2) An award of attendance allowance made before 6th April 1975 and which has not terminated before that date, shall be treated as an award under the Act.

(3) An award of attendance allowance as in paragraph (2) based on a certificate having effect by virtue of paragraph (1) in relation to a person who, immediately before 6th April 1975, was a person living in accommodation provided for him in circumstances in which the cost of the accommodation is or may be borne wholly or partly out of public or local funds, shall continue to have effect as if section 2(5) of the National Insurance Act 1972(**a**) and regulation 5 of the National Insurance (Attendance Allowance) Regulations (Northern Ireland) 1971(**b**) (adults in certain accommodation other than hospitals), continued to apply and section 35(6) and regulation 4 did not apply.

Revocations

13. The regulations specified in column (1) of Schedule 2 to these regulations are hereby revoked to the extent mentioned in column (3) of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd November 1987.

(L.S.) *A. N. Burns*
Assistant Secretary

(**a**) 1972 c. 57
(**b**) S.R. & O. (N.I.) 1971 No. 139; the relevant amending regulations are S.R. & O. (N.I.) 1972 No. 198

SCHEDULE 1

Regulations 1(2), 4 and 11(1)(*b*)

Scheduled Enactments

Column (1) *Chapter*	Column (2) *Short Title*	Column (3) *Enactments*
1945 c. 6 (N.I.)	The Disabled Persons (Employment) Act (Northern Ireland) 1945.	Section 15.
1950 c. 29 (N.I.)	The Employment and Training Act (Northern Ireland) 1950.	Sections 1(1), 3(2) and 3(3)(*a*) and (*b*).
1968 c. 34 (N.I.)	The Children and Young Persons Act (Northern Ireland) 1968.	Sections 51, 73, 99, 103, 114 (except subsection (1)(*a*)) and 121.
S.I. 1972/1265 (N.I. 14)	The Health and Personal Social Services (Northern Ireland) Order 1972.	Articles 5, 7, 15 and 36.
S.I. 1986/594 (N.I. 3)	The Education and Libraries (Northern Ireland) Order 1986.	Articles 7, 27, 31, 37(1), 53 and 54.

SCHEDULE 2 Regulation 13

Revocations

Column (1) *Citation*	Column (2) *Reference*	Column (3) *Extent of Revocation*
The Social Security (Attendance Allowance) Regulations (Northern Ireland) 1975	S.R. 1975 No. 102	The whole of the regulations.
The Social Security (Child Benefit Consequential) Regulations (Northern Ireland) 1977	S.R. 1977 No. 73	Regulation 14.
The Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1977	S.R. 1977 No. 250	The whole of the regulations.
The Social Security Benefit (Persons Abroad) (Amendment) Regulations (Northern Ireland) 1977	S.R. 1977 No. 305	Regulation 3 to the extent that it amends regulation 2 of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1975.
The Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1979	S.R. 1979 No. 102	The whole of the regulations.
The Social Security (Attendance Allowance) (Amendment No. 2) Regulations (Northern Ireland) 1979	S.R. 1979 No. 458	The whole of the regulations.
The Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1980	S.R. 1980 No. 267	Regulations 2 and 3 and the definition of "the principal regulations" in regulation 1(2).
The Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1983	S.R. 1983 No. 203	Regulation 2 and the definition of "the principal regulations" in regulation 1(2).
The Social Security (Attendance Allowance) (Amendment No. 2) Regulations (Northern Ireland) 1983	S.R. 1983 No. 217	The whole of the regulations.

Column (1) *Citation*	Column (2) *Reference*	Column (3) *Extent of Revocation*
The Social Security (Attendance Allowance) (Amendment No. 3) Regulations (Northern Ireland) 1983	S.R. 1983 No. 418	The whole of the regulations.
The Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1987	S.R. 1987 No. 322	The whole of the regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations are made for the purpose only of consolidating the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1975 with subsequent amending regulations. They are accordingly not required to be referred to the Social Security Advisory Committee (section 10(2) of and paragraph 20 of Schedule 3 to, the Social Security Act 1980 (c. 30)).

Regulation 2 prescribes the conditions for entitlement to attendance allowance which relate to residence and presence in Northern Ireland. Regulations 3 to 5 provide that attendance allowance shall not be paid in respect of adults receiving free hospital in-patient treatment or for whom certain other accommodation is provided.

Regulation 6 makes provision for re-qualification after a period of non-entitlement. Regulations 7 and 8 deal with persons who have renal failure and are undergoing treatment by way of dialysis, both in and out of hospital. Regulation 9 makes provision for attendance allowance to be payable for a period before the date of claim in certain cases.

Regulations 10 and 11 contain provisions to be applied to persons under 16 years of age. There is no title to attendance allowance in respect of a child under 2 years of age, and for children over that age there is the additional medical requirement that the attention and supervision needed should be substantially in excess of that normally required by a child of the same age and sex. Normally a person entitled to the allowance in respect of a child is the child's mother but, if the child is not living with her, the father or other person with whom the child is living will be entitled.

Regulation 12 contains transitional provisions as to awards of attendance allowance made before 6th April 1975 in relation to persons who immediately before that date were living in certain accommodation.

Regulation 13, with Schedule 2, specifies provisions which are to be revoked.