1992 No. 95

SOCIAL SECURITY

The Social Security (Invalid Care Allowance) (Amendment) Regulations (Northern Ireland) 1992

Made	*6th March 1992*
Coming into operation . .	*6th April 1992*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 37(8) of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Invalid Care Allowance) (Amendment) Regulations (Northern Ireland) 1992 and shall come into operation on 6th April 1992.

(2) In these regulations "the principal regulations" means the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(**b**).

Substitution of regulation 5 of the principal regulations

2. For regulation 5 of the principal regulations (circumstances in which persons are to be regarded as receiving full-time education) there shall be substituted the following regulation—

"5.—(1) For the purposes of section 37(3) of the Act, a person shall be treated as receiving full-time education for any period during which he attends a course of education at a university, college, school or other educational establishment for twenty-one hours or more a week.

(2) In calculating the hours of attendance at a course of education under paragraph (1) of this regulation—

(*a*) there shall be included the time spent receiving instruction or tuition, undertaking supervised study, examination or practical work or taking part in any exercise, experiment or project for which provision is made in the curriculum of the course; and

(*b*) there shall be excluded any time occupied by meal breaks or spent on unsupervised study, whether undertaken on or off the premises of the educational establishment.

(3) In determining the duration of a period of full-time education under paragraph (1) of this regulation, a person who has started on a course of education shall be treated as attending it for the usual number of

(**a**) 1975 c. 15
(**b**) S.R. 1976 No. 99; the relevant amending regulations are S.R. 1991 No. 56

hours a week throughout any vacation or any temporary interruption of his attendance until the end of the course, or such earlier date as he abandons it or is dismissed from it.''.

Amendment of regulation 8 of the principal regulations

3. In regulation 8(1) of the principal regulations (circumstances in which a person is or is not to be treated as gainfully employed) for ''£30'', in both places where it occurs, there shall be substituted ''£40''.

Revocations

4. The Social Security (Invalid Care Allowance) (Amendment) Regulations (Northern Ireland) 1991(**a**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 6th March 1992.

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

(a) S.R. 1991 No. 56

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976 (''the principal regulations''). They make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Regulation 2 replaces regulation 5 of the principal regulations. It provides that for the purposes of section 37(3) of the Social Security (Northern Ireland) Act 1975 (''the 1975 Act'') a person shall be treated as receiving full-time education if he attends an education course at a university, college, school or other educational establishment for 21 hours or more a week. It specifies the activities to be taken into account in calculating the hours of attendance and provides for vacations and periods of temporary interruption to be included when determining the duration of a period of full-time education.

Regulation 3 increases from £30 to £40 the sum specified in regulation 8(1) of the principal regulations. Under section 37(1) of the 1975 Act a person is entitled to an invalid care allowance for any day on which he is engaged in caring for a severely disabled person if, among other things, he is not gainfully employed. Regulation 8(1) of the principal regulations provides that a person is not to be treated as gainfully employed on any day in a week unless, and is to be treated as gainfully employed on every day in a week if, his earnings in the immediately preceding week (subject to specified exceptions) have exceeded a certain sum. It is that sum which this regulation has increased.

Regulation 4 contains a revocation consequent upon the coming into operation of these regulations.