

1981 No. 655

SOCIAL SECURITY

**The Social Security (Invalid Care Allowance) Amendment
Regulations 1981**

<i>Made - - - -</i>	<i>27th April 1981</i>
<i>Laid before Parliament</i>	<i>6th May 1981</i>
<i>Coming into Operation</i>	<i>1st June 1981</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 37(1)(c) of the Social Security Act 1975(a) and of all other powers enabling him in that behalf, and after reference to the National Insurance Advisory Committee(b) hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Social Security (Invalid Care Allowance) Amendment Regulations 1981 and shall come into operation on 1st June 1981.

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

2. For regulation 6 of the Social Security (Invalid Care Allowance) Regulations 1976(c) (prescribed relationships between severely disabled persons and persons engaged in caring for them) there shall be substituted the following regulation:—

“Severely disabled persons prescribed for the purposes of section 37(1)(c) of the Act

6. For the purposes of section 37(1)(c) of the Act (condition of entitlement to an invalid care allowance that the severely disabled person is either such relative of the person caring for him as may be prescribed or a person of any such other description as may be prescribed) where a severely disabled person is being cared for by another person, that disabled person shall be a prescribed person for the purposes of that section, whether he is related to the person caring for him or not.”

Patrick Jenkin,
Secretary of State for Social Services.

27th April 1981.

(a) 1975 c. 14; section 37(3) was amended by section 22(2) of the Social Security (Miscellaneous Provisions) Act 1977 (c. 5).

(b) By virtue of regulation 2 of the Social Security (Advisory Committees) Transitional Regulations 1980 (S.I. 1980/1874), the reference to the Committee of a proposal to make regulations and their report are treated as a reference to, and report of, the Social Security Advisory Committee under section 10 of the Social Security Act 1980 (c. 30).

(c) S.I. 1976/409, to which there are amendments not relevant to these regulations.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Social Security (Invalid Care Allowance) Regulations 1976 and prescribe that section 37(1)(c) of the Social Security Act 1975 shall apply to any severely disabled person who is being cared for by another person, whether he is related to the person caring for him or not. The regulations have the effect of extending entitlement to invalid care allowance to all persons caring for a severely disabled person apart from those excluded by section 37(3) (persons under 16 or receiving full-time education, married women and any woman who is living with a man, to whom she is not married, as his wife).

The report of the National Insurance Advisory Committee dated June 1980 relevant to these regulations is contained in Command Paper (Cmnd. 7905) published by Her Majesty's Stationery Office.

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