Disability Living Allowance and Disability Working Allowance Act 1991

1991 CHAPTER 21

General

10 Repeals

The enactments mentioned in Schedule 4 to this Act are repealed to the extent specified in the third column of that Schedule.

11 Supplementary

(1) The Secretary of State may by regulations make—

(a) such consequential provision; or

(b) such savings,

as he considers necessary or expedient in preparation for or in connection with the coming into force of any provision of this Act or the operation of any enactment repealed or amended by any such provision during any period when the repeal or amendment is not wholly in force.

(2) Subsections (1), (2) and (3A) of section 166 of the 1975 Act shall apply in relation to the power conferred by this section to make regulations as they apply in relation to any power conferred by that Act to make regulations, but as if for references to that Act there were substituted references to this section.

12 Regulations

(1) A statutory instrument containing (whether alone or with other provisions)—

(a) regulations under Chapter II of Part II of the 1975 Act which relate to disability living allowance and are made before the first day in respect of which disability living allowance is payable;

(b) regulations under sections 100A to 100D or section 104A of that Act which relate to attendance allowance or disability living allowance and are made before that day;

(c) regulations under Part II of the 1986 Act or under sections 100A to 100D or section 104A of the 1975 Act which relate to disability working allowance and are made before the first day in respect of which disability working allowance is payable;

(d) the first regulations made under section 3 above; and

(e) the first regulations made under section 5 above,

shall not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(2) A statutory instrument—

(a) which contains (whether alone or with other provisions) any regulations under this Act; and

(b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) If the Treasury so direct, regulations under this Act shall be made only in conjunction with them.

13 Provision for Northern Ireland

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of this Act—

(a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but

(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

14 Administrative expenses

There shall be paid out of money provided by Parliament—

(a) any increase attributable to the introduction of disability living allowance and the establishment of disability appeal tribunals in the administrative expenses of the Secretary of State or other government department in carrying the 1975 Act into effect which are payable out of money so provided; and

(b) any increase attributable to the introduction of disability working allowance in the expenses of the Secretary of State attributable to the 1986 Act which are so payable.

15 Short title, commencement and extent

(1) This Act may be cited as the Disability Living Allowance and Disability Working Allowance Act 1991, and this Act shall be included among the Acts which may be cited together as the Social Security Acts 1975 to 1991.

(2) Apart from the provisions specified in subsection (3) below, this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different provisions of this Act or for different purposes of the same provision.

(3) The provisions referred to in subsection (2) above are sections 12, 13, 14 and this section.

(4) The following provisions of this Act extend to Northern Ireland—

section 4, so far as it relates to paragraphs 2, 6 and 7, 9, 11, 13 and 14, 18, 20 and 21 of Schedule 2;

section 5;

section 7, so far as it relates to paragraph 11 of Schedule 3;

section 10, so far as it relates to the repeals in Schedule 1 to the House of Commons Disqualification Act 1975 and Schedule 5 to the Value Added Tax Act 1983;

section 11;

section 12;

section 13;

section 14; and

this section.

(5) Except as provided by this section, this Act does not extend to Northern Ireland.