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STATUTORY INSTRUMENTS

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**1993 No.1939**

**SOCIAL SECURITY**

**The Social Security (Disability Living Allowance) (Amendment) Regulations 1993**

<i>Made</i>	- - - -	<i>29th July 1993</i>
<i>Laid before Parliament</i>		<i>5th August 1993</i>
<i>Coming into force</i>	- -	<i>26th August 1993</i>

The Secretary of State for Social Security in exercise of the powers conferred by sections 71(6), 72(3), (7) and (8), 73(2)(b), (5), (6), (9), (10) and (13), 74, 75, 76(2), 122(1) and 175(1) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf after agreement by the Social Security Advisory Committee<sup>(2)</sup> that the proposal to make these Regulations need not be referred to it, hereby makes the following Regulations:

**Citation, commencement and interpretation**

**1.—**(1) These Regulations may be cited as the Social Security (Disability Living Allowance) (Amendment) Regulations 1993 and shall come into force on 26th August 1993.

(2) In these Regulations, except where the context otherwise requires, “the principal Regulations” means the Social Security (Disability Living Allowance) Regulations 1991<sup>(3)</sup>.

**Amendment of the principal Regulations**

**2.—**(1) The principal Regulations shall be amended in accordance with the following provisions of this regulation and a reference to a numbered regulation or Schedule is to the regulation or Schedule in the principal Regulations which bears that number.

(2) In regulation 1(2) (interpretation)<sup>(4)</sup>—

(a) for the definition of “the Act” there shall be substituted the following definition—

““the Act” means the Social Security Contributions and Benefits Act 1992<sup>(5)</sup>

(b) after the definition of “the Act” there shall be inserted the following definition—

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(1) 1992 c. 4. Section 122(1) is cited for the definition it assigns to the word “prescribed”.

(2) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c. 5.).

(3) S.I.1991/2890.

(4) There are amendments to this regulation which are not relevant for the purpose of these Regulations.

(5) 1992 c. 4.

- ““the Administration Act” means the Social Security Administration Act 1992(6);”;
- (c) in the definition of “terminally ill” for “section 35(2C) of the 1975 Act” there shall be substituted “section 66(2) of the Act”.
- (3) In regulation 2 (conditions as to residence and presence in Great Britain)—
- (a) in paragraph (1) for the words “section 37ZA” there shall be substituted the words “section 71”; and
- (b) in paragraph (2)(b) (persons in prescribed employment upon the Continental Shelf) for the words “section 132” there shall be substituted the words “section 120”.
- (4) In regulations 3(1) and (3) (entitlement where recipient is aged 65 or over), 4(1) (rate of benefit), 5(2)(a) (late claim by a person previously entitled), 6(1) and (4)(a) (qualifying period for care component after an interval) and in paragraphs 3(2), 4(2) and 7(2) of Schedule 1 (persons aged 65 or over) for the words “section 37ZB” in each place where they occur, there shall be substituted the words “section 72”.
- (5) In regulations 3(1) and (3), 4(2), 5(2)(b), 6(4)(b), 11 (qualifying period for mobility component after an interval) and 12 (entitlement to the mobility component) and paragraphs 5(2) and 6(2) of Schedule 1 for the words “section 37ZC” in each place where they occur there shall be substituted the words “section 73”.
- (6) In regulation 5(1) for the words “section 37ZE(1)” there shall be substituted the words “section 76(1)”.
- (7) In regulations 6(1) and 11 for the words “section 51(1)(m) of the 1986 Act” there shall be substituted the words “section 5(1)(k) of the Administration Act”.
- (8) In regulation 7 (renal dialysis)(7)—
- (a) in paragraphs (1) and (4) for the words “section 37ZB” there shall be substituted the words “section 72”; and
- (b) for paragraph (3) there shall be substituted the following paragraph—
- “(3) Paragraph (2)(b) does not apply for the purpose of determining whether a person is to be taken to satisfy any of the conditions mentioned in paragraph (1) during the periods mentioned in section 72(2)(a)(i) and (b)(i) of the Act.”.
- (9) In regulation 9(7)(8) for the words “paragraph (4)” there shall be substituted the words “this regulation”.
- (10) In Schedule 1 (persons aged 65 or over)—
- (a) in paragraph 1(1)(c) (review of an award made before person attained 65) for the words “section 100A(6) or 104A(3) of the Act” there shall be substituted the words “section 30(7) or 35(4) of the Administration Act”;
- (b) in paragraphs 3(1)(a) (age 65 or over and entitled to the care component), 6(1)(a) (aged 65 or over and award of lower rate mobility component) and 7(1)(a) (award of care component where person entitled to mobility component) for the words “section 100A, 100B or 104A of the Act” in each place where they occur there shall be substituted the words “section 30, 31 or 35 of the Administration Act”;
- (c) in paragraph 5(1)(a) (aged 65 or over and entitled to mobility component) for the words “section 100A, 100B or 104A of that Act” there shall be substituted the words “section 30, 31 or 35 of the Administration Act”.

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(6) 1992 c. 5.

(7) There have been amendments to regulation 7 which are not relevant for the purposes of these Regulations.

(8) There are amendments to regulation 9 which are not relevant for the purposes of these Regulations.

Signed by authority of the Secretary of State for Social Security.

29th July 1993

*Henley*  
Parliamentary Under-Secretary of State,  
Department of Social Security

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Disability Living Allowance) Regulations 1991 (S.I.1991/2890) by—

- (a) modifying in relation to assisted dialysis in a National Health Service hospital, the circumstances in which a person who is undergoing renal dialysis is to be taken to satisfy the conditions of entitlement to the care component of a disability living allowance; and
- (b) substituting for references to provisions of the Social Security Acts 1975 and 1986 references to the corresponding provisions of the Social Security Contributions and Benefits Act 1992 and the Social Security Administration Act 1992 consequential upon the consolidation of the law relating to social security in 1992.

These Regulations do not impose a charge upon business.