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STATUTORY INSTRUMENTS

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**1991 No. 1712**

**The Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991**

Disability working allowance

**Disability working allowance—supplementary**

9.—(1) After Article 28A of the 1986 Order there shall be inserted the following—

“Disability working allowance

**Supplementary provisions about disability working allowance**

**28B.**—(1) In this Article—

“initial claim” means a claim for a disability working allowance made by a person—

- (a) to whom it has not previously been payable; or
- (b) to whom it has not been payable during the period of 2 years immediately preceding the date on which the claim is made or is treated as made; and

“repeat claim” means any other claim for a disability working allowance.

(2) On an initial claim a declaration by the claimant that he has a physical or mental disability which puts him at a disadvantage in getting a job is conclusive, except in such circumstances as may be prescribed, that for the purposes of Article 21(6A)(b) he has such a disability in accordance with regulations under Article 21(6C).

(3) If—

- (a) a repeat claim is made or treated as made not later than the end of the period of 8 weeks commencing with the last day of the claimant’s previous award; and
- (b) on the claim which resulted in that award he qualified under Article 21(6B) by virtue—
  - (i) of sub-paragraph (a) of that paragraph; or
  - (ii) of there being payable to him a benefit under a statutory provision having effect in Great Britain and corresponding to a benefit mentioned in that sub-paragraph,

all be treated on the repeat claim as if he still so qualified.

(4) Regulations may provide that an award of a disability working allowance to a person shall terminate if—

- (a) a disability working allowance becomes payable in respect of some other person who was a member of his family at the date of his claim for a disability working allowance; or
- (b) income support or family credit becomes payable in respect of a person who was a member of the family at that date.”.

(2) Schedule 3 which makes further amendments shall have effect.