

1979 No. 47

SOCIAL SECURITY**The Social Security (Mobility Allowance) (Amendment) Regulations
(Northern Ireland) 1979***Made* 23rd February 1979*Coming into operation* 21st March 1979

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 37A(2) and (5)(a) of the Social Security (Northern Ireland) Act 1975(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, interpretation and commencement

1. These regulations, which may be cited as the Social Security (Mobility Allowance) (Amendment) Regulations (Northern Ireland) 1979, shall be read as one with the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975(c) (hereinafter referred to as "the principal regulations") and shall come into operation on 21st March 1979.

Amendment of regulation 3 of the principal regulations

2.—(1) Regulation 3 of the principal regulations (circumstances in which a person is or is not to be treated as suffering from physical disablement such that he is unable or virtually unable to walk) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Schedule hereto.

(2) In the said regulation 3, immediately after "as" in the phrase "as unable to walk or virtually unable to do so", in each place where that phrase occurs, there shall be inserted "suffering from physical disablement such that he is either".

(3) In paragraph (1) of the said regulation 3 "or virtually unable" shall be omitted from sub-paragraph (a); the existing sub-paragraph (b) shall become sub-paragraph (c); and after sub-paragraph (a) there shall be inserted the following sub-paragraph:—

"(b) his ability to walk out of doors is so limited, as regards the distance over which or the speed at which or the length of time for which or the manner in which he can make progress on foot without severe discomfort, that he is virtually unable to walk; or".

(4) In paragraph (2) of the said regulation 3 for "he is able" there shall be substituted "he is not unable or virtually unable", and for "he would be able" there shall be substituted "he would not be unable or virtually unable".

(a) As inserted by Article 24 of S.I. 1975/1503 (N.I. 15)

(b) 1975 c. 15

(c) S.R. 1975 No. 280 (II, p. 1352)

Amendment of regulation 8 of the principal regulations

3. In regulation 8(a) of the principal regulations (cases where allowance not to be payable) immediately after "Article 30 of the Health and Personal Social Services (Northern Ireland) Order 1972(9)" there shall be inserted "which is a vehicle propelled by petrol engine or by electric power supplied for use on the road and to be controlled by the occupant".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 23rd February 1979.

(L.S.)

W. J. Sloane

Senior Assistant Secretary

SCHEDULE

Regulation 2(1)

Regulation 3 of the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975 as amended by these regulations*

Circumstances in which, for the purposes of section 37A, a person is or is not to be treated as suffering from physical disablement such that he is unable or virtually unable to walk

3.—(1) A person shall only be treated, for the purposes of section 37A, as *suffering from physical disablement such that he is either unable to walk or virtually unable to do so*, if his physical condition as a whole is such that, without having regard to circumstances peculiar to that person as to place of residence or as to place of, or nature of, employment,—

- (a) he is unable to walk; or
- (b) *his ability to walk out of doors is so limited, as regards the distance over which or the speed at which or the length of time for which or the manner in which he can make progress on foot without severe discomfort, that he is virtually unable to walk; or*
- (c) the exertion required to walk would constitute a danger to his life or would be likely to lead to a serious deterioration in his health.

(2) A person shall not be treated, for the purposes of section 37A, as *suffering from physical disablement such that he is either unable to walk or virtually unable to do so* if *he is not unable or virtually unable to walk with a prosthesis or an artificial aid which he habitually wears or uses or if he would not be unable or virtually unable to walk if he habitually wore or used a prosthesis or an artificial aid which is suitable in his case.*

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations amend the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975 so as, firstly, to prescribe more precisely the circumstances in which a person is to be treated, for the purposes of the section of the Social Security (Northern Ireland) Act 1975 governing entitlement to mobility allowance, as suffering from physical disablement such that he is virtually unable to walk; and secondly to secure that mobility allowance may be payable to a person who has the use of a vehicle provided by the Department under Article 30 of the Health and Personal Social Services (Northern Ireland) Order 1972 where that vehicle is not a power driven road vehicle controlled by the occupant.

Regulation 3 of the 1975 regulations, as amended by these regulations is set out in the Schedule to this statutory rule.

* The words added or substituted by these regulations are shown in italics.