

1982 No. 381

SOCIAL SECURITY

The Social Security (Mobility Allowance) (Motability Payment Arrangements) (Amendment) Regulations (Northern Ireland) 1982*Made* 22nd November 1982*Coming into operation* 17th December 1982

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 81(4)(d) of the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(b) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Mobility Allowance) (Motability Payment Arrangements) (Amendment) Regulations (Northern Ireland) 1982 and shall come into operation on 17th December 1982.

(2) In these regulations “the principal regulations” means the Social Security (Mobility Allowance) (Motability Payment Arrangements) Regulations (Northern Ireland) 1978(c).

Amendment of the principal regulations

2.—(1) For regulation 2 of the principal regulations (payment of mobility allowance on behalf of beneficiary) there shall be substituted—

“Payment of mobility allowance on behalf of a beneficiary

2.—(1) Where, under arrangements made or negotiated by Motability, an agreement has been entered into by or on behalf of a beneficiary in respect of whom mobility allowance is payable for the leasing or hire purchase of a vehicle, the Department may arrange that any mobility allowance payable to the beneficiary shall be paid in whole or in part on behalf of the beneficiary in settlement of liability for payments due under that agreement.

(2) Subject to regulations 3 and 4, an arrangement made by the Department under paragraph (1) shall terminate at the end of whichever is the relevant period specified in paragraph (3), in the case of a lease, or paragraph (4), in the case of a hire purchase agreement.

(3) In the case of a lease the relevant period shall be—

- (a) where the vehicle is returned to the lessor at or before the expiration of the original lease term, the period of the original lease term; or
- (b) where the vehicle is retained by or on behalf of the beneficiary with the lessor’s consent after the expiration of the original lease term, the period of the original lease term; or

(a) 1975 c. 15

(b) 1980 c. 30

(c) S.R. 1978 No. 222

- (c) where the vehicle is retained by or on behalf of the beneficiary otherwise than with the lessor's consent after the expiration of the original lease term or earlier termination of the lease, whichever is the longer of the following periods—
 - (i) the period ending with the return of the vehicle to the lessor, or
 - (ii) the period of the original lease term.
- (4) In the case of a hire purchase agreement the relevant period shall be—
 - (a) the period ending with the purchase of the vehicle; or
 - (b) where the vehicle is returned to the owner or is repossessed by the owner under the terms of the agreement before the completion of the purchase, the original period of the agreement.”.

(2) After regulation 2 as so substituted the following regulations shall be added—

“Power for the Department to terminate an arrangement

3. The Department may terminate an arrangement for the payment of mobility allowance on behalf of a beneficiary under regulation 2 on such date as it shall decide—

- (a) if requested to do so by the lessor or owner of the vehicle to which the arrangement relates; or
- (b) where it appears to it that the arrangement is causing undue hardship to the beneficiary and that it should be terminated before the end of any of the periods specified in regulation 2(3) or 2(4).

Restriction on duration of arrangements by the Department

4. The Department shall end an arrangement for the payment of mobility allowance on behalf of a beneficiary made under regulation 2, where it is satisfied that the vehicle to which the arrangement relates has been returned to the lessor or owner, as the case may be, and that the expenses of the lessor or owner arising out of the lease or hire purchase agreement have been recovered following the return of the vehicle.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 22nd November 1982.

(L.S.)

I. M. S. Jordan (Miss)

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Social Security (Mobility Allowance) (Motability Payment Arrangements) Regulations (Northern Ireland) 1978 by substituting a new regulation 2 and adding regulations 3 and 4.

In the new regulation 2, paragraph (1) prescribes the circumstances under which mobility allowance payable to a beneficiary under section 37A of the Social Security (Northern Ireland) Act 1975 may be paid to someone other than the beneficiary where the beneficiary is provided with a vehicle, whether on lease or hire purchase, under arrangements made by the charitable organisation known as Motability. Paragraphs (2)-(4) limit the periods for which payments other than to the beneficiary may continue.

The new regulation 3 provides that the Department may end payments of mobility allowance on behalf of a beneficiary to the lessor or owner of a vehicle which has been provided to that beneficiary under regulation 2, at an earlier date than is provided for in that regulation, if requested to do so by the lessor or owner or where it is satisfied that to continue the arrangement would cause undue hardship to that beneficiary.

The new regulation 4 specifies that the Department shall end such payments on behalf of a beneficiary where it is satisfied that the vehicle has been returned to the lessor or owner and that the lessor's or owner's expenses arising from the provision of the vehicle have been recovered.