

1983 No. 233

## SOCIAL SECURITY

The Social Security (Mobility Allowance) (Amendment) Regulations  
(Northern Ireland) 1983

*Made* . . . . . 11th August 1983

*Coming into operation* . . . . .

*Except for regulation 2* . . . . . 29th August 1983

*Regulation 2* . . . . . 21st November 1983

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 85(1)(a) and 114(1) and (2) 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) (Amendment) Regulations (Northern Ireland) 1983 and shall come into operation on 29th August 1983 except for regulation 2 which shall come into operation on 21st November 1983.

(2) In these regulations “the principal regulations” means the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975(c).

*Amendment of regulation 8 of the principal regulations*

2. In regulation 8(1) of the principal regulations (cases where mobility allowance not to be payable) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) in respect of which that person has received, or is receiving, any payment—

- (i) by way of grant under the said Article 30 towards the costs of running a private car, or
- (ii) of mobility supplement under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(d) or the Personal Injuries (Civilians) Scheme 1983(e), or under that Order by virtue of the War Pensions (Naval Auxiliary Personnel) Scheme 1964(f), the Pensions (Polish Forces) Scheme 1964(g), the War

(a) 1975 c. 15; section 85(1)(a) was amended by Article 23(1) of, and paragraph 29 of Schedule 4 to, the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16))

(b) 1980 c. 30

(c) S.R. 1975 No. 280; the relevant amending regulations are S.R. 1981 No. 407

(d) S.I. 1983/883, as amended by S.I. 1983/1116

(e) S.I. 1983/686, as amended by S.I. 1983/1164

(f) S.I. 1964/1985

(g) S.I. 1964/2007, as extended by S.I. 1967/293, S.I. 1972/95 and S.I. 1981/1876

Pensions (Mercantile Marine) Scheme 1964(a) or an Order of Her Majesty in relation to the Home Guard dated 21st December 1964(b) or 22nd December 1964(c), or in relation to the Ulster Defence Regiment dated 4th January 1971(d),

or any payment out of public funds which the Department is satisfied is analogous thereto.”.

*Amendment of regulation 15 of the principal regulations*

3. In regulation 15(2) of the principal regulations (procedure on receipt of medical practitioner's report) after sub-paragraph (c) there shall be added—

“and for the purposes of sub-paragraph (b) the question specified in regulation 13(1)(c) shall be treated as having been determined adversely to the person in respect of whom the allowance is claimed where it is determined by reference to a period ending on some definite date earlier than the date on which that person will attain the age of 75.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th August 1983.

(L.S.)

A. N. Burns

Assistant Secretary

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- (a) S.I. 1964/2058
  - (b) Cmnd. 2563
  - (c) Cmnd. 2564
  - (d) Cmnd. 4567

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#### EXPLANATORY NOTE

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

These regulations amend the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975 (“the principal regulations”).

Regulation 8 of the principal regulations is amended so as to provide that from 21st November 1983 a mobility allowance shall not be payable to persons who are in receipt of mobility supplement to pensions payable in respect of disablement due to service in the armed forces of the Crown, the Polish Forces, the Merchant Navy or the fishing service, the Home Guard or the Ulster Defence Regiment, or disablement due to war injuries sustained by civilians or naval auxiliaries.

Regulation 15 of the principal regulations is amended so as to secure that from 29th August 1983 a determination of an insurance officer to the effect that a person may not be expected to continue to be unable, or virtually unable, to walk until he reaches the age of 75 is treated as a decision which is adverse to the claimant, thereby giving the claimant a right of appeal to a medical board.