

1991 No. 107

SOCIAL SECURITY

The Social Security (Mobility Allowance and Adjudication) (Amendment) Regulations (Northern Ireland) 1991

Made 21st March 1991

Coming into operation 10th April 1991

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 37A(2) 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:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Mobility Allowance and Adjudication) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation on 10th April 1991.

(2) In these regulations—

“the Mobility Allowance Regulations” means the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975(b); and

“the Adjudication Regulations” means the Social Security (Adjudication) Regulations (Northern Ireland) 1987(c).

Amendment of the Mobility Allowance Regulations

2.—(1) Regulation 3 of the Mobility Allowance 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 paragraphs (2) and (3).

(2) In paragraph (1)—

(a) at the end of sub-paragraph (a) “or” shall be omitted;

(b) in sub-paragraph (b) for “while out of doors.” there shall be substituted “while out of doors; or”; and

(c) after sub-paragraph (b) there shall be added the following sub-paragraph—

(a) 1975 c. 15; section 37A(2) was inserted by Article 24(1) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) and amended by Article 72(1) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(b) S.R. 1975 No. 280; the relevant amending regulations are S.R. 1979 No. 47 and S.R. 1990 No. 127

(c) S.R. 1987 No. 82; to which there are amendments not relevant to these regulations

“(c) he has had both legs amputated at levels which are either through or above the ankle, or he has one leg so amputated and is without the other leg, or is without both legs, to the same extent as if it, or they, had been so amputated.”.

(3) In paragraph (2) at the beginning there shall be inserted “Unless paragraph (1)(c) applies to him”.

Amendment of the Adjudication Regulations

3.—(1) Regulation 56(2) of the Adjudication Regulations (reference of medical questions for report) shall be amended in accordance with paragraphs (2) to (4).

(2) At the end of sub-paragraph (a) “or” shall be omitted.

(3) In sub-paragraph (b)(iii) for “Article 2(2) of the 1986 Order.” there shall be substituted “Article 2(2) of the 1986 Order; or”.

(4) After sub-paragraph (b) there shall be added the following sub-paragraph—

“(c) the evidence before him as to a person’s medical condition where regulation 3(1)(c) of the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975(a) (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) is relevant to the claim.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 21st March 1991.

(L.S.)

A. N. Burns

Assistant Secretary

(a) S.R. 1975 No. 280; the relevant amending regulations are S.R. 1990 No. 127 and regulation 2 of these regulations

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975 (“the Mobility Allowance Regulations”) and the Social Security (Adjudication) Regulations (Northern Ireland) 1987 (“the Adjudication Regulations”). They correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Regulation 2 amends regulation 3 of the Mobility Allowance Regulations so as to provide that a person who has had both legs amputated at levels which are either through or above the ankle, or who has one leg so amputated and is without the other leg, or is without both legs to the same extent as if it, or they, had been so amputated (“a double amputee”), shall be treated for the purpose of mobility allowance as unable or virtually unable to walk, notwithstanding any use of an artificial aid or a prosthesis.

Regulation 3 amends regulation 56 of the Adjudication Regulations so as to provide that where an adjudication officer has evidence that a person is a double amputee, he need not refer to a medical practitioner the question of whether that person is unable or virtually unable to walk.