

1991 No. 430

SOCIAL SECURITY

**The Disability Living Allowance Advisory Board Regulations
(Northern Ireland) 1991**

Made 18th September 1991

Coming into operation 21st October 1991

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 5(2), (3), (5) and (7) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991(a) and of all other powers enabling it in that behalf, by this statutory rule which is made before the end of a period of 6 months from the commencement of the statutory provision under which it is made, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Disability Living Allowance Advisory Board Regulations (Northern Ireland) 1991 and shall come into operation on 21st October 1991.

Functions and powers

2.—(1) The Board shall have the following functions in relation to disability living allowance and attendance allowance, namely—

- (a) to give advice to the Department on such matters as it may refer to them for consideration;
- (b) to give advice to a medical practitioner who is an officer of the Department on any case or question which he refers to the Board in accordance with section 115C(4) of the Social Security (Northern Ireland) Act 1975(b); and
- (c) to present an annual report on its activities over the year to the Department.

(2) In carrying out any of its functions under paragraph (1) the Board may consult persons or bodies on matters as respects which, in the Board's opinion, those persons or bodies are especially qualified.

(a) S.I. 1991/1712 (N.I. 17)

(b) 1975 c. 15; section 115C was inserted by paragraph 13 of Schedule 1 to the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991

Members

3.—(1) The Board shall consist of a chairman appointed by the Department and not less than 11 and not more than 20 other members so appointed.

(2) The members appointed by the Department shall include—

(a) members with professional knowledge or experience of—

- (i) physiotherapy,
- (ii) occupational therapy,
- (iii) social work,
- (iv) nursing disabled persons,
- (v) medical practice;

(b) at least one member with personal experience of caring for a disabled person; and

(c) 3 or more members who are disabled persons.

(3) All appointments made by the Department shall be made—

(a) after consultation with such organisations as it thinks fit; and

(b) in writing.

Term of office

4. The chairman and other members of the Board shall hold office for such period of not more than 5 years as the Department may determine; but any member—

(a) shall be eligible for re-appointment from time to time on or after the expiration of his term of office; and

(b) may by notice in writing to the Department resign office at any time, while remaining eligible for re-appointment.

Removal

5. The Department may remove the chairman or other member of the Board on the grounds of his inability to discharge his functions or of misbehaviour.

Procedure

6.—(1) The Board may make rules for regulating its procedure, including its quorum.

(2) The Board may act notwithstanding any vacancy among its members.

Expenses

7. Persons attending its meetings at the request of the Board may be paid such travelling and other allowances, including compensation for loss of remunerative time, as the Department may with the consent of the Department of Finance and Personnel determine.

Officers and servants

8. The Department may appoint such officers and servants of the Board as it thinks appropriate.

Sealed with the Official Seal of the Department of Health and Social Services on 18th September 1991.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations come into operation on 21st October 1991 and are consequential upon the coming into operation of Article 5(1) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 ("the 1991 Order") which establishes the Disability Living Allowance Advisory Board for Northern Ireland ("the Board").

Provision is made for the Board by:

- setting out its functions and powers (regulation 2);
- providing for its membership, the period of appointment of the chairman and other members and their removal from office (regulations 3, 4 and 5);
- providing for its procedure, payment of expenses to non-members and for its officers and servants (regulations 6, 7 and 8).

Article 5 of the 1991 Order is the enabling provision under which these regulations are made. It was brought into operation, for the purpose only of authorising the making of regulations on 17th September 1991 and for all other purposes on 21st October 1991, by virtue of Article 2 of the Disability Living Allowance and Disability Working Allowance (1991 Order) (Commencement No. 1) Order (Northern Ireland) 1991 (S.R. 1991 No. 429 (C. 21)). Since the regulations are made before the end of a period of 6 months from the commencement of the provision under which they are made, they are exempt from reference to the Social Security Advisory Committee by virtue of Article 62(5) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) (as amended by paragraph 11(2) of Schedule 8 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13))).