



Disability Living Allowance and Disability Working Allowance Act 1991

1991 CHAPTER 21

An Act to introduce as social security benefits disability living allowance and disability working allowance; and for connected purposes. [27th June 1991]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent Information

E1 This Act does not extend to Northern Ireland except as provided by s.15(4).

Disability living allowance

F1

Textual Amendments

F1 [S. 1](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), [Sch.1](#)

2 Attendance allowance and mobility allowance.

F2(1)

(2) The Attendance Allowance Board is dissolved.

(3) Section 37A of the 1975 Act (mobility allowance) is repealed.

Status: Point in time view as at 06/04/2003.

Changes to legislation: There are currently no known outstanding effects for the Disability Living Allowance and Disability Working Allowance Act 1991. (See end of Document for details)

Textual Amendments

F2 [S. 2\(1\)](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), [Sch.1](#)

Commencement Information

I1 [S. 2](#) wholly in force 6.4.1992; [s. 2\(1\)](#) in force for certain purposes 19.11.1991, 3.2.1992 and for all other purposes, [s. 2](#) comes into force at 6.4.1992; see [s. 15\(2\)](#) and [S.I. 1991/2617](#), art. 2(b)(c)(f), [Sch.](#)

F3

Textual Amendments

F3 [S. 3](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), [Sch.1](#)

4 Management of disability living allowance and attendance allowance etc.

F4(1)

(2) The further amendments specified in Schedule 2 to this Act shall be made.

Textual Amendments

F4 [S. 4\(1\)](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), [Sch.1](#)

Commencement Information

I2 [S. 4](#) wholly in force 6.4.1992; [s. 4\(1\)](#) in force for certain purposes 19.11.1991, 3.2.1992 and for all other purposes, [s. 4](#) comes into force on 6.4.1992 see [s. 15\(2\)](#) and [S.I. 1991/2617](#), art. 2(b)(c)(f), [Sch.](#)

F5

Textual Amendments

F5 [S. 5](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), [Sch.1](#)

Disability working allowance

F6

Textual Amendments

F6 [S. 6](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), [Sch.1](#)

Status: Point in time view as at 06/04/2003.

Changes to legislation: There are currently no known outstanding effects for the Disability Living Allowance and Disability Working Allowance Act 1991. (See end of Document for details)

7 Disability working allowance - supplementary.

^{F7}(1)

(2) The further amendments specified in Schedule 3 to this Act shall have effect.

Textual Amendments

F7 [S. 7\(1\)](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), [Sch.1](#)

Commencement Information

I3 [S. 7](#) wholly in force 6.4.1992; in force for certain purposes 19.11.1991, 10.3.1992 and for all other purposes 6.4.1992; see [s. 15\(2\)](#) and [S.I. 1991/2617](#), [art. 2\(b\)\(e\)\(f\)](#), [Sch.](#)

^{F8}8

Textual Amendments

F8 [S. 8](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), [Sch.1](#)

^{F9}9

Textual Amendments

F9 [S. 9](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), [Sch.1](#)

General

10 Repeals.

The enactments mentioned in Schedule 4 to this Act are repealed to the extent specified in the third column of that Schedule.

Commencement Information

I4 [S. 10](#) wholly in force 6.4.1992; see [s. 15\(2\)](#) and [S.I. 1991/2617](#), [art. 2\(f\)](#)

^{F10}11

Textual Amendments

F10 [Ss. 11-14](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), [Sch.1](#)

*Status: Point in time view as at 06/04/2003.**Changes to legislation: There are currently no known outstanding effects for the Disability Living Allowance and Disability Working Allowance Act 1991. (See end of Document for details)*

F11 12

Textual Amendments

F11 Ss. 11-14 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), Sch.1

F12 13

Textual Amendments

F12 Ss. 11-14 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), Sch.1

F13 14

Textual Amendments

F13 Ss. 11-14 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), Sch.1

15 Short title, commencement and extent.

- (1) This Act may be cited as the Disability Living Allowance and Disability Working Allowance Act 1991, and this Act shall be included among the Acts which may be cited together as the Social Security Acts 1975 to 1991.
- (2) Apart from the provisions specified in subsection (3) below, this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different provisions of this Act or for different purposes of the same provision.
- (3) The provisions referred to in subsection (2) above are sections 12, 13, 14 and this section.
- (4) The following provisions of this Act extend to Northern Ireland—
 - section 4, so far as it relates to paragraphs 2, 6 and 7, 9, 11, 13 and 14, 18, 20 and 21 of Schedule 2;
 - section 5;
 - section 7, so far as it relates to paragraph 11 of Schedule 3;
 - section 10, so far as it relates to the repeals in Schedule 1 to the ^{M1}House of Commons Disqualification Act 1975 and Schedule 5 to the ^{M2}Value Added Tax Act 1983;
 - section 11;
 - section 12;
 - section 13;
 - section 14; and

Status: Point in time view as at 06/04/2003.

Changes to legislation: There are currently no known outstanding effects for the Disability Living Allowance and Disability Working Allowance Act 1991. (See end of Document for details)

this section.

(5) Except as provided by this section, this Act does not extend to Northern Ireland.

Subordinate Legislation Made

- P1** [S. 15\(2\)](#): s. 15(2) power exercised by [S.I. 1991/1519](#)
[S. 15\(2\)](#): s. 15(2) power exercised by [S.I.1991/2617](#).
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Marginal Citations

- M1** 1975 c. 24.
M2 1983 c. 55.

Status: Point in time view as at 06/04/2003.

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SCHEDULES

^{F14}SCHEDULE 1

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Textual Amendments

F14 Sch. 1 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), **Sch.1**

SCHEDULE 2

Section 4.

DISABILITY LIVING ALLOWANCE AND ATTENDANCE ALLOWANCE: AMENDMENTS

Vehicles (Excise) Act 1971 (c. 10)

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Textual Amendments

F15 Sch. 2 para. 1 repealed (1.9.1994) by 1994 c. 22, ss. 65, 66 (with s. 57(4))

Tribunals and Inquiries Act 1971 (c. 62)

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^{F17}(2)

.....
Textual Amendments

F16 Sch. 2 para. 2(1) repealed (1.10.1992) by Tribunals and Enquiries Act 1992 c. 53, ss. 18(2), 19(2), **Sch. 4 Pt.I**

F17 Sch. 2 para. 2(2) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), **Sch. 1**

The 1975 Act

^{F18}₃

Status: Point in time view as at 06/04/2003.

Changes to legislation: There are currently no known outstanding effects for the Disability Living Allowance and Disability Working Allowance Act 1991. (See end of Document for details)

Textual Amendments

F18 Sch. 2 paras. 3-5 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), **Sch.1**

F19⁴

Textual Amendments

F19 Sch. 2 paras. 3-5 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), **Sch.1**

F20⁵

Textual Amendments

F20 Sch. 2 paras. 3-5 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), **Sch.1**

House of Commons Disqualification Act 1975 (c. 24)

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

6 In the House of Commons Disqualification Act 1975 and the Northern Ireland Assembly Disqualification Act 1975, in Part II of Schedule 1 (bodies of which all members are disqualified), there shall be inserted, at the appropriate places in alphabetical order,— “ The Disability Living Allowance Advisory Board ”.

Commencement Information

I25 Sch. 2 para. 6 wholly in force at 3.2.1992 see s. 15(2) and S.I. 1991/2617, **art. 2(d)**

House of Commons Disqualification Act 1975

7 In the House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices) in—
(a) the entry beginning “A member of a panel appointed under section 7 of the Tribunals and Inquiries Act 1971”;
(b) the entry beginning “A regional or other full-time Chairman”; and
(c) the entry for the President of Social Security Appeal Tribunals and Medical Appeal Tribunals,
for the words “and Medical Appeal Tribunals” there shall be substituted the words “, Medical Appeal Tribunals and Disability Appeal Tribunals ”.

Commencement Information

I26 Sch. 2 para. 7 wholly in force at 3.2.1992 see s. 15(2) and S.I. 1991/2617, **art. 2(d)**

Status: Point in time view as at 06/04/2003.

Changes to legislation: There are currently no known outstanding effects for the Disability Living Allowance and Disability Working Allowance Act 1991. (See end of Document for details)

Social Security (Miscellaneous Provisions) Act 1977 (c. 5)

F21₈

Textual Amendments
F21 Sch. 2 para. 8 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), Sch.1

Capital Gains Tax Act 1979 (c. 14)

F22₉

Textual Amendments
F22 Sch. 2 para. 9 repealed (6.4.1992 with effect as mentioned in s. 289(1) of the repealing Act) by Taxation of Chargeable Gains Act 1992 c. 12 ss. 289(1), 290, Sch.12 (with ss. 60, 101(1), 201(3), Sch. 11 paras. 20, 22, 26(2), 27)

Social Security Act 1980 (c. 30)

F23₁₀

Textual Amendments
F23 Sch. 2 para. 10 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), Sch.1

F24₁₁

Textual Amendments
F24 Sch. 2 para. 11 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), Sch.1

Transport Act 1982 (c. 49)

12 In section 70(2)(a) of the Transport Act 1982 (payments in respect of applicants for exemption from wearing seat belts) after sub-paragraph (i) there shall be inserted—
“(iA) a disability living allowance under section 37ZA of that Act;”.

Commencement Information
I27 Sch. 2 para.12 wholly in force 6.4.1992; see s. 15(2) and S.I. 1991/2617, art. 2(f)

Value Added Tax Act 1983 (c. 55)

F25₁₃

Status: Point in time view as at 06/04/2003.

Changes to legislation: There are currently no known outstanding effects for the Disability Living Allowance and Disability Working Allowance Act 1991. (See end of Document for details)

Textual Amendments

F25 Sch. 2 para. 13 repealed (1.9.1994) by 1994 c. 23, ss. 100(2), 101(1), Sch. 15

Inheritance Tax Act 1984 (c. 51)

- 14 (1) In section 74(4) of the Inheritance Tax Act 1984 (disabled persons for purposes of provisions about pre-1981 trusts for disabled persons) after paragraph (b) there shall be inserted “, or
- (c) is in receipt of a disability living allowance under section 37ZA of the Social Security Act 1975 by virtue of entitlement to the care component at the highest or middle rate.”.
- (2) In section 89(4) of that Act (disabled persons for purposes of provisions about other trusts for disabled persons) after paragraph (b) there shall be inserted “, or
- (c) in receipt of a disability living allowance under section 37ZA of the Social Security Act 1975 by virtue of entitlement to the care component at the highest or middle rate.”.

Commencement Information

I28 Sch. 2 para. 14 wholly in force 6.4.1992; see s. 15(2) and S.I. 1991/2617, art. 2(f)

The 1986 Act

F26 15

Textual Amendments

F26 Sch. 2 paras. 15-17 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), Sch.1

F27 16

Textual Amendments

F27 Sch. 2 paras. 15-17 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), Sch.1

F28 17

Textual Amendments

F28 Sch. 2 paras. 15-17 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), Sch.1

Income and Corporation Taxes Act 1988 (c. 1)

18 F29

Status: Point in time view as at 06/04/2003.

Changes to legislation: There are currently no known outstanding effects for the Disability Living Allowance and Disability Working Allowance Act 1991. (See end of Document for details)

Textual Amendments

F29 Sch. 2 para. 15 repealed (6.4.2003 with effect as mentioned in s. 723(1) of the amending Act) by *Income Tax (Earnings and Pensions) Act 2003 (c. 1)*, ss. 723, 724, **Sch. 8 Pt. 1** (with Sch. 7)

Commencement Information

I29 Sch. 2 para. 18 wholly in force 6.4.1992; see s.15(2) and S.I. 1991/2617, **art. 2(f)**

Social Security Act 1989 (c. 24)

^{F30}19

Textual Amendments

F30 Sch. 2 para. 19 repealed (1.7.1992) by *Social Security (Consequential Provisions) Act 1992 c. 6*, ss. 3, 7(2), **Sch.1**

Capital Allowances Act 1990 (c. 1)

^{F31}20

Textual Amendments

F31 Sch. 2 para. 20 repealed (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by *2001 c. 2*, s. 580, **Sch. 4**

^{F32}21

Textual Amendments

F32 Sch. 2 para. 21 repealed (22.3.2001 with effect as mentioned in s. 579(1) of the amending) by *2001 c. 2*, s. 580, **Sch. 4**

Courts and Legal Services Act 1990 (c. 41)

22 In Schedule 11 to the *Courts and Legal Services Act 1990* (judges etc barred from legal practice) the following entry shall be substituted for the entry beginning “President of Social Security Appeal Tribunals”— “ President of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals or regional or other full-time chairman of such tribunals ”.

Commencement Information

I30 Sch. 2 para. 22 wholly in force at 3.2.1992; see s. 15(2) and S.I. 1991/2617, **art. 2(d)**

Status: Point in time view as at 06/04/2003.

Changes to legislation: There are currently no known outstanding effects for the Disability Living Allowance and Disability Working Allowance Act 1991. (See end of Document for details)

SCHEDULE 3

Section 7.

DISABILITY WORKING ALLOWANCE: AMENDMENTS

^{F33}PART I

Textual Amendments

F33 Sch. 3 Pt. I repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), Sch.1

Administration

.....
1 The 1986 Act shall be amended as follows.

.....
2 The following paragraph shall be inserted after section 51(2)(d)—
“(dd) disability working allowance;”.

Adjudication

.....
3 (1) The following subsection shall be inserted after section 52(3)—
“(3A) Subject to subsections (9) and (10) below, the following provisions of the Social Security Act 1975 shall have effect for the purposes of disability working allowance as they have effect for the purposes of attendance allowance and disability living allowance—
(a) those mentioned in subsection (3) above;
(b) section 104A; and
(c) sections 115A to 115D.”.

(2) In subsection (4) of that section—
(a) after the words “virtue of subsection (3)” there shall be inserted the words “or (3A)”; and
(b) at the end there shall be added the words “or in relation to disability working allowance”.

(3) The following subsections shall be added at the end of that section—
“(9) In their application to disability working allowance the provisions of the Social Security Act 1975 mentioned in subsection (3A) above shall have effect as if—
(a) in sections 100A(2)(b) and 104A(1)(b), for the words “any relevant” there were substituted the words “any prescribed”;

Status: Point in time view as at 06/04/2003.

Changes to legislation: There are currently no known outstanding effects for the Disability Living Allowance and Disability Working Allowance Act 1991. (See end of Document for details)

- (b) sections 100A(2)(c), (3), (4) and (11), 100C(2) to (5), 100D(4) to (6), 104A(1)(c) and (d), (2) and (5) and 115C(4) were omitted;
 - (c) the following subsection were substituted for section 104A(9)—
- (9) Subsections (3A) and (5) of section 104 above shall apply in relation to a review under this section as they apply to a review under that section but as if—
- (a) in subsection (3A), “(3)” were substituted for “(2)”; and
 - (b) subsection (5)(a) were omitted.
 - (d) the following subsection were substituted for section 115C(3)—
- (3) An adjudication officer may refer for advice any case relating to attendance allowance or disability living allowance to a medical practitioner who is an officer of the Secretary of State. ;and
- (e) the following subsection were substituted for section 115C(5)—
- (5) A medical practitioner who is an officer of the Secretary of State and to whom a question relating to attendance allowance or disability living allowance is referred under section 115A above may obtain information about it from another medical practitioner.
- (10) In their application to disability working allowance sections 100A(1) and (2) (b) and 104A(1)(b) of the Social Security Act 1975 shall have effect subject to section 20(6F) above.”.

Overpayments

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- 4 The following paragraph shall be inserted after section 53(10)(d)—
- “(e) disability working allowance;”.

Annual up-rating of benefits

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- 5 In section 63—
- (a) in subsection (1)(i) after the words “section 21(6)(a)” there shall be inserted the words “ or (aa) ”; and
 - (b) the following sub-paragraph shall be inserted after subsection (13)(b)(ii)—
- “(iii) to disability working allowance.”.

Reciprocal arrangements

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- 6 In section 65(4) after the words “family credit” there shall be inserted the words “ , disability working allowance ”.

Status: Point in time view as at 06/04/2003.

Changes to legislation: There are currently no known outstanding effects for the Disability Living Allowance and Disability Working Allowance Act 1991. (See end of Document for details)

Crown employment

.....
7 In section 79(3) after the words “family credit” there shall be inserted the words “and disability working allowance”.

Financial provision

.....
8 In section 85—
(a) the following sub-paragraph shall be inserted after subsection (1)(a)(ii)—
 “(iiA) disability working allowance;”; and
(b) in subsection (9) after the words “family credit,” there shall be inserted the words “disability working allowance,”.

[^{F34}PART II

AMENDMENTS OF OTHER ACTS]

Textual Amendments

F34 Sch. 3 Pt. 2 repealed (6.4.2003) by 2002 c. 21, ss. 60, 61, Sch. 6; S.I. 2003/962, art. 2(3)(e), Sch. 1 (with arts. 3, 4)

Child Care Act 1980 (c.5)

9

Transport Act 1982 (c.49)

10

Income and Corporation Taxes Act 1988 (c.1)

11

Education Reform Act 1988 (c.40)

^{F35}12

Textual Amendments

F35 Sch. 3 para. 12 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), Sch. 38 Pt. I (with ss. 1(4), 561, 562, Sch. 39)

Status: Point in time view as at 06/04/2003.

Changes to legislation: There are currently no known outstanding effects for the Disability Living Allowance and Disability Working Allowance Act 1991. (See end of Document for details)

Children Act 1989 (c.41)

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SCHEDULE 4

Section 10.

REPEALS

Commencement Information

I45 Sch. 4 wholly in force 6.4.1992; see s. 15(2) and S.I. 1991/2617, art. 2(f).

Chapter	Short title	Extent of repeal
1975 c. 14.	Social Security Act 1975.	Section 34(1)(cc).In section 35—in subsection (2), the words from “that specified” to “as being”;in subsection (2B)(a)(i), the words “the date determined under section 105 or 106 below as”;subsection (4) (b) and the word “and” immediately preceding it;subsection (5); andin subsection (6)(b), the words from “or to young” to the end.Section 37A.In section 101(5A), the words “of a social security appeal tribunal”.Sections 105 and 106.Section 115A(2)(f).Section 115B(2)(e).Section 135(2)(cc).Section 140.In section 165D(4), in paragraph (a) of the definition of “adjudicating authority”, the words “the Attendance Allowance Board.”.In Schedule 4, in Part III, paragraph 3A.Schedule 11.In Schedule 16, in Part II, paragraph 7.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the

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		Attendance Allowance Board.
1975 c. 60.	Social Security Pensions Act 1975.	Section 22. In Schedule 4, paragraphs 47 and 52.
1977 c. 49.	National Health Service Act 1977.	In Schedule 15, paragraph 64.
1978 c. 29.	National Health Service (Scotland) Act 1978.	In Schedule 16, paragraph 40.
1979 c. 18.	Social Security Act 1979.	Section 2(4). Section 3.
1982 c. 49.	Transport Act 1982.	Section 70(2)(a)(ii).
1983 c. 55.	Value Added Tax Act 1983.	In Schedule 5, in the seventh note to Group 14, the words “section 37A of the Social Security Act 1975 or”.
1986 c. 50.	Social Security Act 1986.	Sections 71 and 72. In Schedule 5, paragraph 11.
1988 c. 7.	Social Security Act 1988.	In section 1(2), in paragraph (a), the words from “by” to “that Act”, in paragraph (b), the words “by the Board or by such a delegate”, in paragraph (c), the words from “by the Board” to “1975” and the word “and”, and paragraph (d).
1989 c. 24.	Social Security Act 1989.	Section 8. In Schedule 2, in Part I, paragraph (b) of the entry relating to adjudicating bodies. In Schedule 3, paragraph 8. In Schedule 7, paragraph 14.
1990 c. 27.	Social Security Act 1990.	Section 1(3), (4) and (5).

Status:

Point in time view as at 06/04/2003.

Changes to legislation:

There are currently no known outstanding effects for the Disability Living Allowance and Disability Working Allowance Act 1991.