



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:—

Annotations:

Extent Information

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

Disability living allowance

^{F1}

Annotations:

Amendments (Textual)

F1 S. 1 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), Sch.1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(3) Section 37A of the 1975 Act (mobility allowance) is repealed.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Disability Living Allowance and Disability Working Allowance Act 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:

Amendments (Textual)

F2 [S. 2\(1\)](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), [Sch.1](#)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

Annotations:

Amendments (Textual)

F3 [S. 3](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), [Sch.1](#)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

Annotations:

Amendments (Textual)

F4 [S. 4\(1\)](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), [Sch.1](#)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}5

Annotations:

Amendments (Textual)

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}6

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Annotations:

Amendments (Textual)

F6 S. 6 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), **Sch.1**

7 Disability working allowance - supplementary.

^{F7}(1)

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

Annotations:

Amendments (Textual)

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}

Annotations:

Amendments (Textual)

F8 S. 8 repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, ss. 3, 7(2), **Sch.1**

^{F9}

Annotations:

Amendments (Textual)

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.

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Annotations:

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**

Annotations:

Amendments (Textual)

F10 [Ss. 11-14](#) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6, [ss. 3, 7\(2\)](#), [Sch.1](#)

^{F11} **12**

Annotations:

Amendments (Textual)

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**

Annotations:

Amendments (Textual)

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**

Annotations:

Amendments (Textual)

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.

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

Annotations:

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](#).

Marginal Citations

- M1** [1975 c. 24](#).
M2 [1983 c. 55](#).

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SCHEDULES

F14

SCHEDULE 1

Annotations:

Amendments (Textual)

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)

F15₁

Annotations:

Amendments (Textual)

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)

2 F16(1)

F17(2)

Annotations:

Amendments (Textual)

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

F18₃

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Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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 ”.

Annotations:

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 ”.

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Annotations:

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)**

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

F21₈

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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—

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“(iA) a disability living allowance under section 37ZA of that Act.”.

Annotations:

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)

F25 13

Annotations:

Amendments (Textual)

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.”.

Annotations:

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

Annotations:

Amendments (Textual)

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

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Annotations:

Amendments (Textual)
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

Annotations:

Amendments (Textual)
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 In section 617(1)(a) of the Income and Corporation Taxes Act 1988 (treatment of social security benefits and contributions for tax purposes) after the words “mobility allowance,” there shall be inserted the words “ disability living allowance, ”.

Annotations:

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)

F29 19

Annotations:

Amendments (Textual)
F29 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)

F30 20

Annotations:

Amendments (Textual)
F30 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**

F31 21

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Annotations:

Amendments (Textual)

F31 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 ”.

Annotations:

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)

SCHEDULE 3

Section 7.

DISABILITY WORKING ALLOWANCE: AMENDMENTS

F32

PART I

Annotations:

Amendments (Textual)

F32 Sch. 3 Pt. I repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 c. 6 , ss. 3, 7(2), Sch.1

PART II

AMENDMENTS OF OTHER ACTS

Child Care Act 1980 (c.5)

- 9 In section 45(1A) of the Child Care Act 1980 (no liability to contribute to maintenance) for the words “or family credit” there shall be substituted the words “ , family credit or disability working allowance ”.

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Annotations:

Commencement Information

I39 [Sch. 3 para. 9](#) wholly in force 6.4.1992; in force for certain purposes 10.3.1992 and for all other purposes 6.4.1992; see [s. 15\(2\)](#) and [S.I. 1991/2617](#), [art. 2\(e\)\(f\)](#)

Transport Act 1982 (c.49)

- 10 In section 70(2)(b) of the Transport Act 1982 (payments in respect of applicants for exemption from wearing seat belts) for the words “or family credit” there shall be substituted the words “, family credit or disability working allowance”.

Annotations:

Commencement Information

I40 [Sch. 3 para. 10](#) wholly in force 6.4.1992; in force for certain purposes 10.3.1992 and for all other purposes 6.4.1992; see [s. 15\(2\)](#) and [S.I. 1991/2617](#), [art. 2\(e\)\(f\)](#)

Income and Corporation Taxes Act 1988 (c.1)

- 11 In section 617(2)(a) of the Income and Corporation Taxes Act 1988 (treatment of social security benefits and contributions for tax purposes) after the words “family credit” there shall be inserted the words “, disability working allowance”.

Annotations:

Commencement Information

I41 [Sch. 3 para. 11](#) wholly in force 6.4.1992; in force for certain purposes 10.3.1992 and for all other purposes 6.4.1992; see [s. 15\(2\)](#) and [S.I. 1991/2617](#), [art. 2\(e\)\(f\)](#)

Education Reform Act 1988 (c.40)

F33 12

Annotations:

Amendments (Textual)

F33 [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](#))

Children Act 1989 (c.41)

- 13 In section 17(9) of the Children Act 1989 (no repayment of assistance) for the words “or family credit” there shall be substituted the words “, family credit or disability working allowance”.

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Annotations:

Commencement Information

I42 [Sch. 3 para. 13](#) wholly in force 6.4.1992; in force for certain purposes 10.3.1992 and for all other purposes 6.4.1992; see [s. 15\(2\)](#) and [S.I. 1991/2617](#), [art. 2\(e\)\(f\)](#)

14 In section 29(3) of that Act (no recoupment of costs) for the words “or family credit” there shall be substituted the words “, family credit or disability working allowance”.

Annotations:

Commencement Information

I43 [Sch. 3 para. 14](#) wholly in force 6.4.1992; in force for certain purposes 10.3.1992 and for all other purposes 6.4.1992; see [s. 15\(2\)](#) and [S.I. 1991/2617](#), [art. 2\(e\)\(f\)](#)

15 In paragraph 21(4) of Part III of Schedule 2 to that Act (no liability to contribute to maintenance) for the words “or family credit” there shall be substituted the words “, family credit or disability working allowance”.

Annotations:

Commencement Information

I44 [Sch. 3 para. 15](#) wholly in force 6.4.1992; in force for certain purposes 10.3.1992 and for all other purposes 6.4.1992; see [s. 15\(2\)](#) and [S.I. 1991/2617](#), [art. 2\(e\)\(f\)](#)

SCHEDULE 4

Section 10.

REPEALS

Annotations:

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); and in

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		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 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).

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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).

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 2 para. 18 repealed by [2003 c. 1 Sch. 8 Pt. 1](#)

Commencement Orders yet to be applied to the Disability Living Allowance and Disability Working Allowance Act 1991:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2003/962 art. 2](#) commences ([2002 c. 21](#))