



Disability Living Allowance and Disability Working Allowance Act 1991

1991 CHAPTER 21

Disability working allowance

7 Disability working allowance - supplementary

(1) After section 27A of the 1986 Act there shall be inserted—

“Disability working allowance

27B Supplementary provisions about disability working allowance

(1) In this section—

“initial claim” means a claim for a disability working allowance made by a person—

- (a) to whom it has not previously been payable; or
- (b) to whom it has not been payable during the period of 2 years immediately preceding the date on which the claim is made or is treated as made; and

“repeat claim” means any other claim for a disability working allowance.

(2) On an initial claim a declaration by the claimant that he has a physical or mental disability which puts him at a disadvantage in getting a job is conclusive, except in such circumstances as may be prescribed, that for the purposes of section 20(6A)(b) above he has such a disability (in accordance with regulations under section 20(6C) above).

(3) If—

- (a) a repeat claim is made or treated as made not later than the end of the period of 8 weeks commencing with the last day of the claimant’s previous award; and

Status: This is the original version (as it was originally enacted).

- (b) on the claim which resulted in that award he qualified under section 20(6B) above by virtue—
 - (i) of paragraph (a) of that subsection; or
 - (ii) of there being payable to him a benefit under an enactment having effect in Northern Ireland and corresponding to a benefit mentioned in that paragraph,he shall be treated on the repeat claim as if he still so qualified.
- (4) Regulations may provide that an award of a disability working allowance to a person shall terminate if—
 - (a) a disability working allowance becomes payable in respect of some other person who was a member of his family at the date of his claim for a disability working allowance; or
 - (b) income support or family credit becomes payable in respect of a person who was a member of the family at that date.”.
- (2) The further amendments specified in Schedule 3 to this Act shall have effect.