

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISIONS AND SAVINGS (INCLUDING SOME TRANSITIONAL PROVISIONS RETAINED FROM PREVIOUS ACTS)

PART II

SPECIFIC TRANSITIONAL PROVISIONS AND SAVINGS (INCLUDING SOME DERIVED FROM PREVIOUS ACTS)

Substitution of disability living allowance for attendance allowance and mobility allowance and dissolution of Attendance Allowance Board - provision derived from section 5 of Disability Living Allowance and Disability Working Allowance Act 1991

- 22 (1) The Secretary of State may make such regulations as appear to him necessary or expedient in relation to the substitution of disability living allowance for attendance allowance and mobility allowance and the dissolution of the Attendance Allowance Board.
- (2) Without prejudice to the generality of this paragraph, regulations under this paragraph —
- (a) may provide for the termination or cancellation of awards of attendance allowance and awards of mobility allowance;
 - (b) may direct that a person whose award of either allowance has been terminated or cancelled by virtue of the regulations or who is a child of such a person shall by virtue of the regulations be treated as having been awarded one or more disability living allowances;
 - (c) may direct that a disability living allowance so treated as having been awarded shall consist of such component as the regulations may specify or, if the regulations so specify, of both components, and as having been awarded either component at such weekly rate and for such period as the regulations may specify;
 - (d) may provide for the termination in specified circumstances of an award of disability living allowance;
 - (e) may direct that in specified circumstances a person whose award of disability living allowance has been terminated by virtue of the regulations shall by virtue of the regulations be treated as having been granted a further award of a disability living allowance consisting of such component as the regulations may specify or, if the regulations so specify, of both components, and as having been awarded on the further award either component at such weekly rate and for such period as the regulations may specify;
 - (f) may provide for the review of awards made by virtue of paragraph (b) or (e) above and for the treatment of claims for disability living allowance in respect of beneficiaries with such awards;

- (g) may direct that for specified purposes certificates issued by the Attendance Allowance Board shall be treated as evidence of such matters as may be specified in the regulations;
 - (h) may direct that for specified purposes the replacement of attendance allowance and mobility allowance by disability living allowance shall be disregarded;
 - (i) may direct that a claim for attendance allowance or mobility allowance shall be treated in specified circumstances and for specified purposes as a claim for disability living allowance or that a claim for disability living allowance shall be treated in specified circumstances and for specified purposes as a claim for attendance allowance or mobility allowance or both;
 - (j) may direct that in specified circumstances and for specified purposes a claim for a disability living allowance shall be treated as having been made when no such claim was in fact made;
 - (k) may direct that in specified circumstances a claim for attendance allowance, mobility allowance or disability living allowance shall be treated as not having been made;
 - (l) may direct that in specified circumstances where a person claims attendance allowance or mobility allowance or both, and also claims disability living allowance, his claims may be treated as a single claim for such allowances for such periods as the regulations may specify;
 - (m) may direct that cases relating to mobility allowance shall be subject to adjudication in accordance with the provisions of Part II of the Administration Act relating to disability living allowance; and
 - (n) may direct that, at a time before the Attendance Allowance Board is dissolved, in specified circumstances cases relating to attendance allowance shall be subject to adjudication under the system of adjudication for such cases introduced by the Disability Living Allowance and Disability Working Allowance Act 1991.
- (3) Regulations under this paragraph may provide that any provision to which this sub-paragraph applies—
- (a) shall have effect subject to modifications, additions or amendments; or
 - (b) shall not have effect.
- (4) Sub-paragraph (3) above applies—
- (a) to any provision of the 1975 Act which relates to mobility allowance, so far as it so relates;
 - (b) to any provision of Part VI of the 1986 Act which is relevant to mobility allowance;
 - (c) to any provision of the Contributions and Benefits Act which relates to disability living allowance or attendance allowance, so far as it so relates; and
 - (d) to any provision of the Administration Act which is relevant to disability living allowance or attendance allowance.