

## 1977 No. 1229

## SOCIAL SECURITY

## The Mobility Allowance (Vehicle Scheme Beneficiaries)

## Regulations 1977

<i>Made</i> - - - -	26th July 1977
<i>Laid before Parliament</i>	27th July 1977
<i>Coming into Operation</i>	17th August 1977

In exercise of the powers conferred upon me by section 37A(1) and (5) and section 114(1) and (2) of the Social Security Act 1975(a), section 13 of the Social Security (Miscellaneous Provisions) Act 1977(b) and of all other powers enabling me in that behalf I hereby make the following regulations which contain only provisions made in consequence of the Social Security (Miscellaneous Provisions) Act 1977 and which accordingly, by virtue of section 24(4)(a) of that Act are not subject to the requirements of section 139(1) of the Social Security Act 1975 for prior reference to the National Insurance Advisory Committee:—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Mobility Allowance (Vehicle Scheme Beneficiaries) Regulations 1977 and shall come into operation on 17th August 1977.

(2) In these regulations unless the context otherwise requires:—

“the Act” means the Social Security (Miscellaneous Provisions) Act 1977;

“the principal Act” means the Social Security Act 1975;

“the principal regulations” means the Mobility Allowance Regulations 1975(c);

“vehicle scheme beneficiary” means any person of the class specified in section 13(3)(a), (c) or (d) of the Act or any person of the class specified in section 13(3)(b) of the Act whose application was approved on or after 1st January 1976;

“certificate” means a certificate for the purposes of section 13(1) of the Act; and other expressions have the same meaning as in the principal Act.

(3) Except in so far as the context otherwise requires any reference in these regulations to—

(a) a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;

(a) 1975 c. 14.  
(c) S.I. 1975/1573 (1975 III, p. 5450).

(b) 1977 c. 5.

(b) any provision made by or contained in any enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact it or replace it with or without modifications.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

*Prescribed periods for purposes of section 13(3)(c) of the Act*

2. For the purposes of section 13(3)(c) of the Act—

- (a) the prescribed period before 1st January 1976 shall be that commencing with 1st January 1970 and ending with 31st December 1975; and
- (b) the prescribed period after 1st January 1976 shall be that commencing with 2nd January 1976 and ending with 31st March 1978.

*Issue of certificates*

3.—(1) The Secretary of State shall issue a certificate in the form approved by him in respect of any person—

- (a) who has made an application for a certificate in the form approved by the Secretary of State; and
- (b) whom the Secretary of State considers satisfies the conditions specified in paragraph (2).

(2) The conditions referred to in paragraph (1) are—

- (a) that he is a vehicle scheme beneficiary; and
- (b) that his physical condition has not improved to such an extent that he no longer satisfies the conditions which it was necessary for him to satisfy in order to become a vehicle scheme beneficiary.

*Duration and cancellation of certificates*

4.—(1) Subject to paragraphs (2) and (3) the period during which a certificate is in force shall commence on the day specified in the certificate as being the date on which it comes into force and shall continue for the life of the person concerned.

(2) The period specified in paragraph (1) shall not commence—

- (a) in the case of a vehicle scheme beneficiary who on or after 1st August 1977 is receiving payments in pursuance of section 33(3) of the Health Services and Public Health Act 1968(b) in respect of a vehicle belonging to him, before 5th July 1978; or
- (b) in relation to any other vehicle scheme beneficiary—
  - (i) before 16th November 1977 if his surname begins with any of the letters from A to K in the alphabet; or
  - (ii) before 15th February 1978 if his surname begins with any of the letters from L to Z in the alphabet.

(3) If in any case the Secretary of State determines that the condition specified in regulation 3(2)(b) is not satisfied, the certificate shall cease to be in force

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(a) 1889 c. 63.

(b) 1968 c. 46.

from the date of such non-satisfaction as determined by the Secretary of State (or such later date as appears to the Secretary of State to be reasonable in the circumstances).

*Supply of information in connection with certificates*

5.—(1) Any person who is an applicant for a certificate or in respect of whom a certificate has been issued—

- (a) shall furnish to the Secretary of State such information and evidence relating to his circumstances as the Secretary of State may require on the making of the application and from time to time thereafter; and
- (b) shall notify the Secretary of State of any change in his circumstances which might effect the cancellation of the certificate; and
- (c) shall comply with any notice given to him by the Secretary of State which requires him to submit himself to medical examination for the purposes of determining whether he satisfies the condition specified in regulation 3(2)(b).

(2) The requirements of regulation 7 of the principal regulations as to notices given for the purposes of that regulation shall apply to notices given for the purposes of paragraph (1)(c).

*Application of the principal Act and principal regulations in relation to vehicle scheme beneficiaries*

6. In relation to a person in respect of whom a certificate is in force—

(a) section 37A of the principal Act shall have effect as though in subsection (5) the words “or over pensionable age” were omitted; and

(b) the principal regulations shall have effect as though—

(i) regulation 2(1)(c) and (d) were omitted; and

(ii) in regulation 14 after paragraph (1)(b) there were inserted—

“or

(c) the issue of a certificate under the Mobility Allowance (Vehicle Scheme Beneficiaries) Regulations 1977.”; and

(iii) in regulation 20 after paragraph (3) there were added—

“(4) Where the grounds of an application under paragraph (2) are that a certificate issued for the purposes of section 13 of the Social Security (Miscellaneous Provisions) Act 1977 has been cancelled, the insurance officer may himself determine any medical question arising on review adversely to the person in question without referring it to a medical board and the provisions of regulation 15(3) and 16 to 19 shall apply to such determination as though it were a determination under regulation 15(2)(b).”.

*Entitlement to an allowance in respect of weeks before that in which a claim is received by the Secretary of State*

7. A person in respect of whom a certificate is in force may be entitled to mobility allowance for any week—

- (a) falling before the week in which a claim for the allowance by or in respect of him is received by the Secretary of State; and

(b) falling after the date specified in the certificate in respect of him as being the date on which such certificate comes into force.

*David Ennals,*  
One of Her Majesty's Principal  
Secretaries of State.

26th July 1977.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations make provisions concerning the issue and cancellation of certificates whereby, by virtue of section 13 of the Social Security (Miscellaneous Provisions) Act 1977, certain classes of persons may be deemed to satisfy certain of the conditions for mobility allowance specified in section 37A of the Social Security Act 1975.

They also make provision for further defining the classes of persons concerned and for relaxing for those in respect of whom the certificates are issued requirements of the Social Security Act 1975 and the Mobility Allowance Regulations 1975 relating to the upper age limit for the allowance, the residence and presence conditions for the allowance, the period for which a person may be entitled to the allowance and the determination of claims for the allowance.

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