

1981 No. 1817

SOCIAL SECURITY

**The Mobility Allowance (Amendment)
Regulations 1981**

Made - - - - - 16th December 1981
Laid before Parliament 23rd December 1981
Coming into Operation 13th January 1982

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 37A(6), 79(1) and 114(1) and (2) of the Social Security Act 1975(a) and of all other powers enabling him in that behalf, the Social Security Advisory Committee having agreed that the proposals on the matter should not be referred to it(b), hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Mobility Allowance (Amendment) Regulations 1981 and shall come into operation on 13th January 1982.

(2) In these regulations “the principal regulations” means the Mobility Allowance Regulations 1975(c).

Cases where allowance not to be payable

2. There shall be substituted for regulation 8 of the principal regulations the following regulation:—

“Cases where allowance not to be payable

8.—(1) Subject to the provisions of this regulation, an allowance shall not be payable to any person who would otherwise be entitled thereto in respect of any period—

- (a) during which that person has the use of an invalid carriage or other vehicle provided by the Secretary of State under section 5(2) of and Schedule 2 to the National Health Service Act 1977(d) or section 46 of the National Health Service (Scotland) Act 1978(e) which is a vehicle propelled by petrol engine or by electric power supplied for use on the road and to be controlled by the occupant; or
- (b) in respect of which that person has received, or is receiving, any payment by way of grant under the said section 5(2) and Schedule 2 or section 46 towards the cost of running a private car or any payment out of public funds which the Secretary of State is satisfied is analogous thereto.

(a) 1975 c. 14; section 37A was inserted by section 22(1) of the Social Security Pensions Act 1975 (c. 60).

(b) See section 10(2)(b) of the Social Security Act 1980 (c. 30).

(c) S.I. 1975/1573; the relevant amending instrument is S.I. 1979/172.

(d) 1977 c. 49.

(e) 1978 c. 29.

(2) A person who has notified the Secretary of State that he no longer wishes to use such an invalid carriage or other vehicle as is referred to in paragraph (1)(a) and has signed an undertaking that he will not use it while it remains in his possession awaiting collection, shall be treated, for the purposes of this regulation, as not having the use of that invalid carriage or other vehicle.

(3) Where a person in respect of whom an allowance is claimed for any period has received any such payment as is referred to in paragraph (1)(b) for a period which, in whole or in part, covers the period for which the allowance is claimed, such payment shall be treated as an aggregate of equal weekly amounts in respect of each week in the period for which it is made and, where in respect of any such week a person is treated as having a weekly amount so calculated which is less than the weekly rate of allowance specified in paragraph 3A of Part III of Schedule 4 to the Act, any allowance to which that person may be entitled for that week shall be payable at a weekly rate reduced by the weekly amount so calculated.

(4) In a case where the Secretary of State has issued a certificate to the effect that he is satisfied—

(a) that the person in question either—

(i) has purchased or taken on hire, hire purchase or lease, or

(ii) intends to purchase or take on hire, hire purchase or lease,

a private car or similar vehicle (in this paragraph called “the car”) for a consideration which is more than nominal, on or about a date (not being earlier than 13th January 1982) specified in the certificate (in this regulation called “the said date”);

(b) that that person intends to retain possession of the car at least during, and to learn to drive it within, the period of 6 months or such greater or lesser length of time as may be specified in the certificate (in this regulation called “the said period”) beginning on the said date; and

(c) that that person will use mobility allowance in whole or in part during the said period towards meeting the expenses of acquiring the car, paragraph (1)(a) shall not apply, and shall be treated as having never applied, during a period beginning on the said date and ending at the end of the said period or (if earlier) the date on which the Secretary of State cancels the certificate because that person has parted with possession of the car or for any other reason.”

Miscellaneous amendments

3. In regulations 5(2), 6 and 13(1)(c) of the principal regulations for the expression “pensionable age” there shall be substituted “the age of 75”.

Signed by authority of the Secretary of State for Social Services,

Hugh Rossi,
Minister for Social Security,
Department of Health and Social Security.

16th December 1981.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Mobility Allowance Regulations 1975.

Regulation 2 reconstructs regulation 8 of the regulations of 1975, brings up to date a reference to other legislation, and also amends the substance by making provision for an exception to the rule that mobility allowance is not payable to a person while he has the use of an invalid carriage or other road vehicle provided under the National Health Service Act 1977 or the National Health Service (Scotland) Act 1978: the exceptional case is where there is current a certificate to the effect that the Secretary of State is satisfied that the person intends during a specified period to acquire and learn to drive a private car or similar vehicle.

Regulation 3 makes amendments to the regulations of 1975 which are consequential upon those provisions of the Social Security Act 1979 (c. 18) which made mobility allowance payable in some cases up to the age of 75, instead of pensionable age.

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