
STATUTORY INSTRUMENTS

1984 No. 1303

The Social Security (Severe Disablement Allowance) Regulations 1984

PART IV

TRANSITIONAL PROVISIONS AND REVOCATIONS

Claims made before 29th November 1984

18.—(1) A claim for a severe disablement allowance may be made in writing before 29th November 1984 on a form approved for the purpose by the Secretary of State by any person in relation to whom the appointed day for the coming into force generally of section 11 of and Schedule 4 to the 1984 Act is 29th November 1984⁽¹⁾.

(2) Any claim made in accordance with paragraph (1) may be treated as made for a period commencing on or after 29th November 1984.

(3) A decision which is given before 29th November 1984 awarding a severe disablement allowance on such a claim as is referred to in paragraph (1) of this regulation—

- (a) may award the allowance from a date not before 29th November 1984 on which it appears probable that the requirements for entitlement will be satisfied;
- (b) shall be subject to the condition that those requirements are satisfied on the date from which it is so awarded;
- (c) may be reviewed if any question arises as to the satisfaction of those requirements.

Claims made before 28th November 1985

19. In relation to any person other than one to whom paragraph (1) of regulation 18 refers that regulation shall have effect, from a day three months before the day appointed⁽²⁾ for the coming into force generally in relation to him of the provisions referred to in that paragraph, as if for each reference to 29th November 1984 there were substituted a reference to the day so appointed.

Persons formerly entitled to non-contributory invalidity pension

20.—(1) Any person who, immediately before both 10th September 1984 and 29th November 1984 was entitled to a non-contributory invalidity pension shall be entitled for 29th November 1984, and for any subsequent days which together with 29th November 1984 fall within a single period of interruption of employment, to a severe disablement allowance whether or not—

- (a) he is disabled for the purposes of section 36 of the Act, or
- (b) 29th November 1984 is appointed for the purposes of section 11 of the 1984 Act in relation to persons of his age,

(1) See Article 3(4)(a) of the Health and Social Security Act 1984 (Commencement No. 1) Order 1984 (S.I. 1984/1302).

(2) See Article 3(4)(b) and (c) of that Order.

if he satisfies the other requirements for entitlement to such an allowance.

(2) If in the case of any person a day and an earlier day for which he was entitled to a non-contributory invalidity pension fall within a single period of interruption of employment—

(a) for the purposes of section 36 of the Act he shall be deemed to be disabled on the day first-mentioned whether or not he is suffering from such loss of faculty as is specified in subsection (5) of that section; and

(b) the condition in section 79(1) of the Act (benefit must be duly claimed) shall be deemed to be satisfied for the purposes of his right to a severe disablement allowance for the day first-mentioned if, but for the passing of the 1984 Act, that condition would have been satisfied for the purposes of his right to a non-contributory invalidity pension for that day.

(3) A person who was entitled to a non-contributory invalidity pension immediately before attaining retiring age shall be treated for the purposes of regulation 5 as having been entitled to a severe disablement allowance immediately before attaining that age.

(4) A person who was entitled to a non-contributory invalidity pension for any day before 29th November 1984 shall be treated for the purposes of regulation 6 as having been entitled to a severe disablement allowance for that day.

Revocation

21. The regulations set out in column (1) of Schedule 3 are revoked to the extent mentioned in column (3) of that Schedule.