
STATUTORY INSTRUMENTS

1991 No. 1746

SOCIAL SECURITY

**The Disability Living Allowance
Advisory Board Regulations 1991**

Made - - - - *25th July 1991*

Coming into force - - *12th August 1991*

Whereas a draft of this instrument was laid before Parliament in accordance with section 12(1) of the Disability Living Allowance and Disability Working Allowance Act 1991(1) and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State for Social Security in exercise of powers conferred by sections 3(2), (3), (5), (7) and (8) of the Disability Living Allowance and Disability Working Allowance Act 1991(2) and of all other powers enabling him in that behalf, by this instrument, which is made before the end of a period of 6 months beginning with the coming into force of those provisions, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Disability Living Allowance Advisory Board Regulations 1991 and shall come into force on 12th August 1991.

Functions and powers

2.—(1) The Board(3) shall have the following functions in relation to disability living allowance and attendance allowance, namely—

- (a) to give advice to the Secretary of State on such matters as he may refer to them for consideration;
- (b) to give advice to a medical practitioner who is an officer of the Secretary of State on any case or question which he refers to the Board in accordance with section 115C(4) of the Social Security Act 1975(4); and
- (c) to present an annual report on its activities over the year to the Secretary of State.

(1) 1991 c. 21.
(2) Section 3(8) is an interpretation provision and is cited because of the meaning it ascribes to the word “regulations”.
(3) The “Board” means the Disability Living Allowance Advisory Board — See section 3(1) of the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21).
(4) 1975 c. 14; section 115C was inserted by the Disability Living Allowance and Disability Working Allowance Act 1991, Schedule 1, paragraph 13.

(2) In carrying out any of its functions under paragraph (1) above the Board may consult persons or bodies on matters as respects which in the Board's opinion, those persons or bodies are especially qualified.

Members

3.—(1) The Board shall consist of a chairman appointed by the Secretary of State and not less than 11 and not more than 20 other members so appointed.

(2) The members appointed by the Secretary of State shall include—

(a) members with professional knowledge or experience of—

- (i) physiotherapy,
- (ii) occupational therapy,
- (iii) social work,
- (iv) nursing disabled persons,
- (v) medical practice;

(b) at least one member with personal experience of caring for a disabled person; and

(c) 6 or more members who are disabled persons.

(3) All appointments made by the Secretary of State shall be made—

- (a) after consultation with such organisations as he thinks fit, and
- (b) in writing.

Term of office

4. The chairman and other members of the Board shall hold office for such period of not more than 5 years as the Secretary of State may determine; but any member—

- (a) shall be eligible for re-appointment from time to time on or after the expiration of his term of office; and
- (b) may by notice in writing to the Secretary of State resign office at any time, while remaining eligible for re-appointment.

Removal

5. The Secretary of State may remove the chairman or other member of the Board on the grounds of his inability to discharge his functions or of misbehaviour.

Procedure

6.—(1) The Board may make rules for regulating its procedure, including its quorum.

(2) The Board may act notwithstanding any vacancy among its members.

Expenses

7. Persons attending its meetings at the request of the Board may be paid such travelling and other allowances, including compensation for loss of remunerative time, as the Secretary of State may with the consent of the Treasury determine.

Officers and servants

8. The Secretary of State may appoint such officers and servants of the Board as he thinks appropriate.

Signed by authority of the Secretary of State for Social Security.

25th July 1991

Nicholas Scott
Minister of State,
Department of Social Security

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument is made before the end of the period of 6 months beginning with the coming into force of the enactments under which the Regulations are made (3rd July 1991). The Regulations contained in this instrument are accordingly exempt by section 61(5) of the Social Security Act 1986 (c. 50) as amended by the Social Security Act 1989 (c. 24), Schedule 8, paragraph 12(3), from reference to the Social Security Advisory Committee and have not been so referred.

These Regulations make provision for the Disability Living Allowance Advisory Board which was established under section 3(1) of the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21).

Regulation 2 sets out the functions and powers of the Board.

Regulation 3 provides for the membership of the Board, and regulations 4 and 5 provide for the period of appointment and the removal from office of the chairman and other members.

Regulation 6 provides for the procedure of the Board.

Regulation 7 provides for expenses of non-members.

Regulation 8 provides for officers and servants of the Board.