
STATUTORY INSTRUMENTS

1991 No. 2742

**SOCIAL SECURITY CHILDREN
AND YOUNG PERSONS**

**The Disability Living Allowance and Disability Working
Allowance (Consequential Provisions) Regulations 1991**

<i>Made</i>	- - - -	<i>5th December 1991</i>
<i>Laid before Parliament</i>		<i>5th December 1991</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Secretary of State for Social Security, in exercise of powers conferred by section 11(1) of the Disability Living Allowance and Disability Working Allowance Act 1991⁽¹⁾, and section 166(1), (2) and (3A) of the Social Security Act 1975⁽²⁾ and of all other powers enabling him in that behalf by this instrument which contains only provisions consequential on the Disability Living Allowance and Disability Working Allowance Act 1991 and is made before the end of the period of 6 months from the coming into force of that enactment and in so far as it relates to regulations 12 and 16 after consultation with such organisations appearing to him to be representative of the authorities concerned⁽³⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991 and shall, subject to paragraph (2), come into force on 6th April 1992.

(2) Regulation 11 shall come into force in relation to a particular claimant at the beginning of the first benefit week to commence for that claimant on or after the date specified in paragraph (1); and for this purpose the expressions “claimant” and “benefit week” have the same meanings as in the Income Support (General) Regulations 1987⁽⁴⁾.

(3) In these Regulations—

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- (1) 1991 c. 21.
(2) 1975 c. 14; section 166 (3A) was inserted by the Social Security Act 1986 (c. 50) and section 166(1), (2) and (3A) is applied by section 11(2) of the Disability Living Allowance and Disability Working Allowance Act 1991.
(3) See section 61(5) and (7) of the Social Security Act 1986; section 61(5) was substituted for section 61(5) and (6) by the Social Security Act 1989 (c. 24), Schedule 8, paragraph 12(3) and section 61(7) was amended by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 10.
(4) S.I.1987/1967; relevant amending instrument is S.I. 1988/1445.

“the Adoption Allowance Regulations” means the Adoption Allowance Regulations 1991(5);

“the Community Charge Benefits Regulations” means the Community Charge Benefits (General) Regulations 1989(6);

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987(7);

“the General Benefits Regulations” means the Social Security (General Benefit) Regulations 1982(8);

“the Home Responsibilities Regulations” means the Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations 1978(9);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(10);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(11)

“the Invalid Care Allowance Regulations” means the Social Security (Invalid Care Allowance) Regulations 1976(12);

“the Overlapping Benefits Regulations” means the Social Security (Overlapping Benefits) Regulations 1979(13);

“the Payments on Account, Overpayments and Recovery Regulations” means the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988(14);

“the Persons Abroad Regulations” means the Social Security Benefit (Persons Abroad) Regulations 1975(15);

“the Recoupment Regulations” means the Social Security (Recoupment) Regulations 1990(16);

“the Severe Disablement Allowance Regulations” means the Social Security (Severe Disablement Allowance) Regulations 1984(17);

“the Social Fund Maternity and Funeral Expenses Regulations” means the Social Fund Maternity and Funeral Expenses (General) Regulations 1987(18);

“the Social Fund Recovery by Deductions from Benefits Regulations” means the Social Fund (Recovery by Deductions from Benefits) Regulations 1988(19);

“the Social Security Commissioners Order” means the Tribunal and Inquiries (Social Security Commissioners) Order 1980(20);

“the Widow’s Benefit and Retirement Pensions Regulations” means the Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979(21).

(5) S.I. 1991/2030.

(6) S.I. 1989/1321; relevant amending instruments are S.I. 1990/834 and 1773 and 1991/1599.

(7) S.I. 1987/1973.

(8) S.I. 1982/1408; relevant amending instruments are S.I. 1983/186, 1984/1303 and 1986/1561.

(9) S.I. 1978/508; relevant amending instrument is S.I. 1988/623.

(10) S.I. 1987/1971; relevant amending instruments are S.I. 1988/1971, 1989/416, 1990/546 and 1775 and 1991/1599.

(11) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663, 1989/534, 1990/547 and 1776 and 1991/236 and 1559.

(12) S.I. 1976/409.

(13) S.I. 1979/597.

(14) S.I. 1988/644; relevant amending instruments are S.I. 1988/688 and 725 and 1989/136.

(15) S.I. 1975/563; relevant amending instrument is S.I. 1975/1753.

(16) S.I. 1990/322; relevant amending instrument is S.I. 1991/694.

(17) S.I. 1984/1303.

(18) S.I. 1987/481; relevant amending instruments are S.I. 1988/136 and 1989/379.

(19) S.I. 1988/35.

(20) S.I. 1980/1637.

(21) S.I. 1979/642.

Amendment of the Persons Abroad Regulations

2.—(1) The Persons Abroad Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 10 (modification of the Act in relation to attendance allowance) after the words “attendance allowance” there shall be inserted the words “or disability living allowance”.

(3) Regulation 10A (modification of the Act in relation to mobility allowance)(22) shall be omitted.

Amendment of the Invalid Care Allowance Regulations

3. In sub-paragraph (2)(b) of regulation 9 of the Invalid Care Allowance Regulations (conditions relating to residence and presence in Great Britain) after the words “attendance allowance” there shall be inserted the words “, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Act”.

Amendment of the Home Responsibilities Regulations

4. In paragraph (3) of regulation 2 of the Home Responsibilities Regulations (preclusion from regular employment for the purposes of paragraph 5(6) and (7) of Schedule 3 to the Act)(23) for the words “other than in respect of a child under the age of 16” there shall be substituted the words “the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Act”.

Amendment of the Overlapping Benefits Regulations

5.—(1) The Overlapping Benefits Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In sub-paragraph (2)(g) of regulation 4 (adjustment of personal benefit under chapters I and II of Part II of the Act where other personal benefit under those chapters is payable) for the words “mobility allowance” there shall be substituted the words “disability living allowance”.

(3) In paragraph (3) of regulation 6 (adjustments of personal benefit under chapters I and II of Part II of the Act by reference to industrial injuries benefits and benefits not under the Act, and adjustments of industrial injuries benefits)—

(a) after the words “attendance allowance” there shall be inserted the words “, or the care component of disability living allowance”;

(b) for the words “by reference to which it” there shall be substituted the words “by reference to which that allowance (as the case may be)”.

(4) In paragraph 5 of Column (1) of Schedule 1 (personal benefits which are required to be adjusted by reference to benefits not under chapters I and II of Part II of the Act) after the words “Attendance allowance” there shall be added the words “, or the care component of disability living allowance”.

Amendment of the Widow’s Benefit and Retirement Pensions Regulations

6. In paragraph (1)(b)(i) of regulation 4 of the Widow’s Benefit and Retirement Pensions Regulations (days to be treated as days of increment) for the words “mobility allowance” there shall be substituted the words “disability living allowance”.

(22) Regulation 10A was added by regulation 10 of S.I. 1975/1753.

(23) Regulation 2(3) was amended by regulation 2(3) of S.I. 1988/623.

Amendment of the Social Security Commissioners Order

7. In the Social Security Commissioners Order paragraph (e) of article 2 shall be omitted.

Amendment of the General Benefit Regulations

8.—(1) The General Benefit Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (2) of regulation 1 (citation, commencement and interpretation)(24) in the definition of “determining authority” after the words “section 97(1) of the Act”, there shall be inserted the words “or a disability appeal tribunal constituted under Schedule 10A to the Act”.

(3) In paragraph (2) of regulation 2 (exceptions from disqualification for imprisonment etc.)(25) for the words “mobility allowance” there shall be substituted the words “attendance allowance, disability living allowance”.

Amendment of the Severe Disablement Allowance Regulations

9.—(1) The Severe Disablement Allowance Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1)(a) of regulation 10 (adjudication) for the words “the period” to “Attendance Allowance Board” there shall be substituted the words “a period when the person is or was entitled to attendance allowance”.

(3) In regulation 10(1)(b) for (i) there shall be substituted the following—

“(i) a mobility allowance under section 37A of the Act or the mobility component of disability living allowance at the higher rate prescribed in accordance with section 37ZC(10) of the Act or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Act; or”.

Amendment of the Social Fund Maternity and Funeral Expenses Regulations

10.—(1) The Social Fund Maternity and Funeral Expenses Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1)(a) of regulation 5 (entitlement)(26) for the words “or family credit” there shall be substituted the words “, family credit or disability working allowance”.

(3) In regulation 6 (persons affected by a trade dispute)(27)—

(a) in paragraph (b) at the end after the words “trade dispute” there shall be added “; or”;

(b) after paragraph (b) there shall be added the following paragraph—

“(c) in the case where the claimant or the claimant’s partner is in receipt of disability working allowance, the claim in respect of which disability working allowance was awarded was made before the beginning of the trade dispute.”.

(4) In regulation 7(1)(a) (entitlement)(28) after the words “family credit,” there shall be inserted the words “disability working allowance,”.

(24) Regulation 1(2) was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 8, paragraph 1(3)(a).

(25) Regulation 2(2) was amended by S.I. 1984/1303, 1983/186 and 1986/1561.

(26) Regulation 5(1)(a) was substituted by S.I. 1988/36.

(27) Regulation 6 was amended by S.I. 1988/36.

(28) Regulation 7(1)(a) was substituted by S.I. 1988/36 and amended by S.I. 1989/1379.

Amendment of the Income Support Regulations

11.—(1) The Income Support Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation) after the definition of “Crown tenant” there shall be inserted the following definitions—

““disability living allowance” means a disability living allowance under section 37ZA of the Social Security Act(29);

“disability working allowance” means a disability working allowance under section 20 of the Act(30);”

(3) In Schedule 1 (persons not required to be available for employment), in paragraph 4(31)—

(a) in sub-paragraph (1)(a)(i) after the words “Social Security Act” there shall be inserted the words “or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act”;

(b) after head (ii) of sub-paragraph (1)(a)(ii) there shall be added the following head—

“(c) the person being cared for has claimed entitlement to a disability living allowance but only for the period up to the date of determination of that claim, or the period of 26 weeks from the date of that claim, whichever date is the earlier; or”.

(4) In Schedule 2 (applicable amounts)—

(a) in paragraph 7(2)(32) at the end after the words “attendance allowance” there shall be added the words “, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act.”;

(b) in paragraph 12(1)(a)(i)(33) for the words “mobility allowance” there shall be substituted the words “disability living allowance, disability working allowance”;

(c) in paragraph 12(1)(c)(34), for (i) there shall be substituted the following—

“(i) invalidity pension under section 15 of the Social Security Act when entitlement to that benefit ceased on account of the payment of a retirement pension under the Social Security Act and the claimant has since remained continuously entitled to income support and, if the invalidity pension was payable to his partner, the partner is still alive; or”;

(d) in paragraph 12(1)(c)(ii), for the words from “which is no longer in payment” to “Regulations 1975” there shall be substituted the words “or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 82(6)(b) of the Social Security Act 1975(35)”.

(e) in paragraph 13(2)(a)(i), (b)(i), (3)(a) and (3A)(a)(36) after the words “attendance allowance” in each place there shall be inserted the words “, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act”;

(29) 1975 c. 14; section 37ZA was inserted by the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21), section 1(2).

(30) 1986 c. 50; section 20 was amended by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 2(2) and the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21), section 6.

(31) Paragraph 4 of Schedule 1 was substituted by S.I. 1991/1559.

(32) Paragraph 7(2) of Schedule 2 was added by S.I. 1990/1776.

(33) Paragraph 12(1)(a)(i) of Schedule 2 was amended by S.I. 1988/663.

(34) Paragraph 12(1)(c)(i) of Schedule 2 was amended by S.I. 1989/534.

(35) 1975 c. 14.

(36) Paragraph 13(3A) of Schedule 2 was inserted by S.I. 1988/663.

- (f) in paragraph 14(b) for the words “attendance allowance or mobility allowance or both” there shall be substituted the words “disability living allowance”;
- (g) in paragraph 14ZA(2)(b)(37) after the words “attendance allowance” there shall be inserted the words “, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act”.
- (5) In Schedule 4 (applicable amounts of persons in residential care and nursing homes) in paragraph 6, for head (b) of sub-paragraph (2) there shall be substituted the following head—
- “(b) he—
- (i) is in receipt of attendance allowance at the higher rate in accordance with section 35(3) of the Social Security Act, or the care component of disability living allowance at the highest rate prescribed in accordance with section 37ZB(3) of the Social Security Act, or
- (ii) has made a claim for attendance allowance or disability living allowance and, in respect of that claim, a decision has been made that he satisfies the conditions for receipt of either attendance allowance at the higher rate in accordance with section 35(3) of the Social Security Act(38), or the care component of disability living allowance at the highest rate prescribed in accordance with section 37ZB(3) of the Social Security Act, but he has not yet completed the qualifying period for that benefit; or”.
- (6) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 6 after the words “mobility allowance” there shall be inserted the words “or the mobility component of disability living allowance”;
- (b) in paragraph 7(a) for the words “paragraph 6 or 9” there shall be substituted the words “paragraph 6, 9 or 9A”;
- (c) after paragraph 9 there shall be inserted the following paragraph—
- “9A. Any care component of disability living allowance where the claimant does not live in a residential care or nursing home or where he lives in a residential care or nursing home and he is a person to whom Part II of Schedule 4 applies (persons to whom regulation 19 does not apply).”
- (7) In Schedule 10 (capital to be disregarded) in paragraph 7(a) for the reference “8 or 9” there shall be substituted the reference “8, 9 or 9A”.

Amendment of the Housing Benefit Regulations

12.—(1) The Housing Benefit Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation) after the definition of “designated office” there shall be inserted the following definitions—

““disability living allowance” means a disability living allowance under section 37ZA of the Social Security Act(39);

“disability working allowance” means a disability working allowance under section 20 of the Act(40);”.

(37) Paragraph 14ZA of Schedule 2 was inserted by S.I. 1990/1776 and amended by S.I. 1991/1559.

(38) 1975 c. 14. Section 35(3) was amended by the Social Security Act 1979 (c. 18), section 2(4).

(39) 1975 c. 14; section 37ZA was inserted by the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21) section 1(2).

(40) 1986 c. 50; section 20 was amended by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 2(2) and the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21), section 6.

- (3) In regulation 105 (recovery of overpayments from prescribed benefits)–
- (a) in paragraph (1)(a) for the words “except those specified in paragraph (2)” there shall be substituted the words “except guardian’s allowance”;
 - (b) in paragraph (1)(b) for the words “or family credit” there shall be substituted the words “, family credit or disability working allowance”;
 - (c) paragraph (2) shall be omitted.
- (4) In Schedule 2 (applicable amounts)–
- (a) in paragraph 7(2)(41) at the end after the words “attendance allowance” there shall be added the words “, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act”;
 - (b) in paragraph 12(1)(a)(i)(42) for the words “mobility allowance” there shall be substituted the words “disability living allowance, disability working allowance”;
 - (c) in paragraph 12(1)(a), for (ii) there shall be substituted the following–
 - “(ii) was in receipt of invalidity pension under section 15 of the Social Security Act when entitlement to that benefit ceased on account of the payment of a retirement pension under the Social Security Act and the claimant has since remained continuously entitled to housing benefit and, if the invalidity pension was payable to his partner, the partner is still a member of the family, or”;
 - (d) in paragraph 12(1)(a)(iii), for the words from “which is no longer in payment” to “Regulations 1975” there shall be substituted the words “or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 82(6)(b) of the Social Security Act 1975(43)”.
 - (e) in paragraph 13(2)(a)(i), (b)(i) and (3)(a) after the words “attendance allowance” in each place there shall be inserted the words “, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act”;
 - (f) in paragraph 14(b) for the words “attendance allowance or mobility allowance or both” there shall be substituted the words “disability living allowance”;
 - (g) in paragraph 14ZA(2)(b)(44) after the words “attendance allowance” there shall be inserted the words “, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act”.
- (5) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings) in paragraph 5 at the end there shall be inserted the words “or any disability living allowance”.

Amendment of the Family Credit Regulations

13.—(1) The Family Credit Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation) after the definition of “date of claim” there shall be inserted the following definitions–

““disability living allowance” means a disability living allowance under section 37ZA of the Social Security Act(45);

(41) Paragraph 7(2) was added by S.I. 1990/1775.

(42) Paragraph 12(1)(a)(i) of Schedule 2 was amended by S.I. 1988/1971.

(43) 1975 c. 14.

(44) Paragraph 14ZA of Schedule 2 was inserted by S.I. 1990/1775 and amended by S.I. 1991/1599.

(45) 1975 c. 14; section 37ZA was inserted by the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21), section 1(2).

“disability working allowance” means a disability working allowance under section 20 of the Act⁽⁴⁶⁾

(3) In paragraph (2) of regulation 3 (circumstances in which a person is treated as being or not being in Great Britain) after the words “family credit” there shall be added the words “or disability working allowance”.

(4) In regulation 50 (prevention of duplication of awards of family credit and income support) for the words “either family credit or income support” there shall be substituted the words “family credit, income support or disability working allowance”.

(5) In Schedule 2 (sums to be disregarded in the calculation of income other than earnings) in paragraph 4 after the words “mobility allowance” there shall be inserted the words “, disability living allowance or disability working allowance.”.

Amendment of the Social Fund Recovery by Deductions from Benefits Regulations

14. In regulation 3 of the Social Fund Recovery by Deductions from Benefits Regulations (benefits from which an award may be recovered) after paragraph (cc) there shall be added the words “(dd) disability working allowance under section 20 of the Social Security Act 1986”⁽⁴⁷⁾.

Amendment of the Payments on Account, Overpayments and Recovery Regulations

15.—(1) The Payments on Account, Overpayments and Recovery Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 1(2) (interpretation)—

(a) in the definition of “adjudicating authority” after the words “social security appeal tribunal” there shall be inserted the words “a disability appeal tribunal”;

(b) after the definition of “the Claims and Payments Regulations” there shall be inserted the following definitions—

““disability living allowance” means a disability living allowance under section 37ZA of the Social Security Act 1975⁽⁴⁸⁾;

“disability working allowance” means a disability working allowance under section 20 of the Act.”.

(3) In regulation 2 (making of interim payments)—

(a) in paragraph (2) at the beginning before the words “on or before the making” there shall be inserted the words “subject to paragraph (3),”;

(b) after paragraph (2) there shall be inserted the following paragraph—

“(3) Where the recipient of an interim payment of disability living allowance—

(a) is terminally ill within the meaning of section 35(2C) of the Social Security Act 1975⁽⁴⁹⁾; or

(b) had an invalid carriage or other vehicle provided by the Secretary of State under section 5(2)(a) of the National Health Service Act 1977 and Schedule 2 to

⁽⁴⁶⁾ 1986 c. 50; section 20 was amended by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 2(2) and the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21), section 6.

⁽⁴⁷⁾ Section 20 was amended to include disability working allowance by the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21), section 6.

⁽⁴⁸⁾ 1975 c. 14; section 37ZA was inserted by the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21), section 1(2).

⁽⁴⁹⁾ Section 35(2C) was inserted by the Social Security Act 1990 (c. 27), section 1(1).

that Act⁽⁵⁰⁾ or under section 46 of the National Health Service (Scotland) Act 1978⁽⁵¹⁾,

the requirement to give notice in paragraph (2) of this regulation shall be omitted.”

(4) In paragraph (1) of regulation 8 (duplication and prescribed payments) after subparagraph (g) there shall be inserted the following sub-paragraph–

“(h) any disability working allowance.”

(5) In paragraphs (1) and (3) of regulation 14 (quarterly diminution of capital resources) for the words “or family credit” in each place they occur there shall be substituted the words “, family credit or disability working allowance”.

(6) In paragraph (2) of regulation 15 (recovery by deduction from prescribed benefits) at the end there shall be added the following sub-paragraph–

“(e) any disability working allowance.”

(7) In regulation 16(2) (limitations on deductions from prescribed benefits)⁽⁵²⁾ the words “attendance allowance in respect of a child, arising under section 35(1) to (4) of the Social Security Act 1975 as modified by regulation 6 of the Social Security (Attendance Allowance) (No.2) Regulations 1975,” shall be omitted.

(8) In regulation 17 (recovery from couples) for the words “or family credit” in each place they occur there shall be substituted the words “, family credit or disability working allowance”.

Amendment of the Community Charge Benefits Regulations

16.—(1) The Community Charge Benefits Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation) after the definition of “designated office” there shall be inserted the following definitions–

““disability living allowance” means a disability living allowance under section 37ZA of the Social Security Act⁽⁵³⁾;

“disability working allowance” means a disability working allowance under section 20 of the Act⁽⁵⁴⁾.”

(3) In regulation 91 (recovery of excess benefits from prescribed benefits)–

(a) in paragraph (1)(a) for the words “except those specified in paragraph (2)” there shall be substituted the words “except guardian’s allowance”;

(b) in paragraph (1)(b) for the words “or family credit” there shall be substituted the words “, family credit or disability working allowance”;

(c) paragraph (2)⁽⁵⁵⁾ shall be omitted.

(4) In Schedule 1 (applicable amounts)–

(a) in paragraph 7(2)⁽⁵⁶⁾ at the end after the words “attendance allowance” there shall be added the words “, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act”;

⁽⁵⁰⁾ 1977 c. 49.

⁽⁵¹⁾ 1978 c. 29.

⁽⁵²⁾ Regulation 16(2) was amended by S.I. 1988/688.

⁽⁵³⁾ 1975 c. 14; section 37ZA was inserted by the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21), section 1(2).

⁽⁵⁴⁾ 1986 c. 50; section 20 was amended by the Local Government Finance Act 1988 (c. 41) Schedule 10, paragraph 2(2) and the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21), section 6.

⁽⁵⁵⁾ Paragraph 2 of regulation 91 was amended by S.I. 1990/834.

⁽⁵⁶⁾ Paragraph 7(2) of Schedule 1 was added by S.I. 1990/1773.

- (b) in paragraph 13(1)(a)(i) for the words “mobility allowance” there shall be substituted the words “disability living allowance, disability working allowance”;
- (c) in paragraph 13(1)(a), for (ii) there shall be substituted the following—
- “(ii) was in receipt of invalidity pension under section 15 of the Social Security Act when entitlement to that benefit ceased on account of the payment of a retirement pension under the Social Security Act and the claimant has since remained continuously entitled to community charge benefit and, if the invalidity pension was payable to his partner, the partner is still a member of the family, or”;
- (d) in paragraph 13(1)(a)(iii), for the words from “which is no longer in payment” to “Regulations 1975” there shall be substituted the words “or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 82(6)(b) of the Social Security Act 1975(57)”.
- (e) in paragraph 14(2)(a)(i), (b)(i) and (3)(a) after the words “attendance allowance” in each place there shall be inserted the words “, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act”;
- (f) in paragraph 15(b) for the words “attendance allowance or mobility allowance or both” there shall be substituted the words “disability living allowance”;
- (g) in paragraph 15A(2)(b)(58) after the words “attendance allowance” there shall be inserted the words “, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act”.
- (5) In Schedule 3 (sums to be disregarded in the calculation of income other than earnings) in paragraph 5 at the end there shall be inserted the words “or any disability living allowance”.

Amendment of the Recoupment Regulations

17. In regulation 2(1) of the Recoupment Regulations (relevant benefits) after subparagraph (m) there shall be inserted the following sub-paragraphs—

- “(ma) disability living allowance,
(mb) disability working allowance.”.

Amendment of the Adoption Allowance Regulations

18.—(1) The Adoption Allowance Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 1(2) (interpretation) the definitions of “attendance allowance” and “mobility allowance” shall be omitted and after the definition of “child benefit” there shall be inserted the following definition—

““disability living allowance” means a disability living allowance under section 37ZA of the Social Security Act 1975;”.

(3) In paragraph (3) of regulation 3 (amount of the allowance) for the words “mobility and attendance allowance” there shall be substituted the words “disability living allowance”.

(57) 1975 c. 14.

(58) Paragraph 15A of Schedule 1 was inserted by S.I. 1990/1773 and amended by S.I. 1991/1599.

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

Department of Social Security
5th December 1991

Nicholas Scott
Minister of State,

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make consequential amendments to the following Regulations and Orders as a result of the introduction of disability living allowance and disability working allowance by inserting references to disability living allowance and disability working allowance—

- (a) the Adoption Allowance Regulations 1991;
- (b) the Community Charge Benefits (General) Regulations 1989;
- (c) the Family Credit (General) Regulations 1987;
- (d) the Housing Benefit (General) Regulations 1987;
- (e) the Income Support (General) Regulations 1987;
- (f) the Social Fund Maternity and Funeral Expenses (General) Regulations 1987;
- (g) the Social Fund (Recovery by Deductions from Benefits) Regulations 1988;
- (h) the Social Security Benefit (Persons Abroad) Regulations 1975;
- (i) the Social Security (General Benefit) Regulations 1982;
- (j) the Social Security (Invalid Care Allowance) Regulations 1976;
- (k) the Social Security (Overlapping Benefits) Regulations 1979;
- (l) the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988;
- (m) the Social Security Pensions (Home Responsibilities and Miscellaneous Amendments) Regulations 1978;
- (n) the Social Security (Recoupment) Regulations 1990;
- (o) the Social Security (Severe Disablement Allowance) Regulations 1984;
- (p) the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979;
- (q) the Tribunal and Inquiries (Social Security Commissioners) Order 1980.

These Regulations only contain provisions consequential on the Disability Living Allowance and Disability Working Allowance Act 1991 and are made before the end of the period of 6 months from the coming into force of that enactment and they are, accordingly, in so far as it was required exempt by section 61(5)(a) of the Social Security Act 1986 from reference to the Social Security Advisory Committee and have not been so referred.