
STATUTORY INSTRUMENTS

1992 No. 703

SOCIAL SECURITY

The Social Security (Attendance Allowance) Amendment Regulations 1992

<i>Made</i>	- - - -	<i>11th March 1992</i>
<i>Laid before Parliament</i>		<i>16th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 35(4A) and (6), 85(1)(b) and 166(2) of the Social Security Act 1975⁽¹⁾ and of all other powers enabling him in that behalf, by this instrument, which contains regulations which relate to matters which, in accordance with section 140 of that Act, have been referred to the Attendance Allowance Board⁽²⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Attendance Allowance) Amendment Regulations 1992 and shall come into force on 6th April 1992.

(2) In these Regulations “the Attendance Allowance Regulations” means the Social Security (Attendance Allowance) Regulations 1991⁽³⁾.

Amendment of regulation 4 of the Attendance Allowance Regulations

2. In regulation 4 of the Attendance Allowance Regulations (allowance payable before the date of claim in renewal cases)—

- (a) in paragraph (a), the words “or the care component of a disability living allowance” shall be omitted;
- (b) in paragraph (b), for the word “either” there shall be substituted the word “the”; and
- (c) for the words “an attendance allowance may be paid” to the end of the regulation there shall be substituted the words “that person shall be entitled to an attendance allowance for a period starting on the day after the date on which the period referred to in paragraph (b) has ended and ending with the date of claim if the claimant has satisfied the condition

(1) 1975 c. 14. Subsection (4A) was inserted by paragraph (8) of Schedule 1 to the Social Security Act 1980 (c. 30). Schedule 20 is cited for the meaning it ascribes to the word “regulations”.
(2) See the Social Security Act 1980, section 10 and paragraph 12(3) of Schedule 3.
(3) S.I.1991/2740.

mentioned in paragraph (a) of subsection (1) of section 35 of the Act or the condition mentioned in paragraph (b) of that subsection or both those conditions throughout that period.”.

Amendment of regulation 6 of the Attendance Allowance Regulations

3. In regulation 6 of the Attendance Allowance Regulations (hospitalisation), in paragraph (3)–
- (a) at the end of the definition of “National Health Service trust” there shall be added the words “and section 12A of the NHS Act of 1978”; and
 - (b) at the end of the definition of “recognised fund-holding practice” there shall be added the words “and section 87A of the NHS Act of 1978”.

Amendment of regulation 7 of the Attendance Allowance Regulations

4. In regulation 7 of the Attendance Allowance Regulations (persons in certain accommodation other than hospitals), at the beginning of paragraph (2), there shall be inserted the words “Paragraph (1)(b), in so far as it relates to enactments relating to persons under disability or to education or training not referred to in paragraph (1)(a), and”.

Amendment of regulation 8 of the Attendance Allowance Regulations

5. In regulation 8 of the Attendance Allowance Regulations (exemption from regulations 6 and 7), for paragraph (1) there shall be substituted the following paragraph–
- “(1) Regulation 6, or as the case may be, regulation 7, shall not, subject to paragraph (3), apply to a person in respect of the first 28 days of any period during which he–
- (a) is undergoing medical or other treatment in a hospital or other institution in any of the circumstances mentioned in regulation 6; or
 - (b) would, but for this regulation, be prevented from receiving an attendance allowance by reason of regulation 7(1).”.

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

11th March 1992

Nicholas Scott
Minister of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Attendance Allowance) Regulations 1991 by–

(1) clarifying regulation 4 and removing the reference to disability living allowance (regulation 2);

(2) including a reference to the National Health Service (Scotland) Act 1978 in the definitions in regulation 6(3) of “National Health Service trust” and “recognised fund-holding practice” (regulation 3);

(3) extending regulation 7(2) and regulation 8(1) which provide exceptions to the requirement that disability living allowance should not be paid to people in certain accommodation (regulations 4 and 5).