
STATUTORY INSTRUMENTS

2000 No. 1401

SOCIAL SECURITY

**The Social Security (Attendance Allowance and Disability
Living Allowance) (Amendment) Regulations 2000**

<i>Made</i>	- - - -	<i>22nd May 2000</i>
<i>Laid before Parliament</i>		<i>25th May 2000</i>
<i>Coming into force</i>	- -	<i>19th June 2000</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 67(2), 72(8), 113(2) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1), and sections 73(1)(b) and 189(1), (4) and (5) of the Social Security Administration Act 1992(2) and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it,(3) hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Attendance Allowance and Disability Living Allowance) (Amendment) Regulations 2000 and shall come into force on 19th June 2000.

Amendment of the Social Security (Attendance Allowance) Regulations 1991

2.—(1) The Social Security (Attendance Allowance) Regulations 1991(4) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 6(2A) (hospitalisation)(5) after the words “and to end on the day”, there shall be inserted “before the day”.

(3) In sub-paragraph (b)(ii) of regulation 7A(2) (persons to whom regulations 7 and 8 apply with modifications)(6) for the words “paragraphs (4) to (7)” there shall be substituted “paragraphs (4) to (6)”.

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- (1) 1992 c. 4; section 175 was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 3, paragraph 29.
- (2) 1992 c. 5; section 73 was amended by the Jobseekers Act 1995 (c. 18), Schedule 2, paragraph 49 and section 189 was amended by the Social Security Act 1998 (c. 14), Schedule 7, paragraph 109 and the Social Security Contributions (Transfer of Functions, etc.) Act 1999, Schedule 3, paragraph 57.
- (3) See section 173(1)(b) of the Social Security Administration Act 1992.
- (4) S.I.1991/2740.
- (5) Regulation 6 was amended by regulation 2 of S.I. 1992/2869 and paragraph (2A) was inserted by regulation 3 of S.I. 1999/1326.
- (6) Regulation 7A was inserted by regulation 2(3) of S.I. 1994/1779 and was amended by paragraph 1 of Schedule 8 to S.I. 1999/2860.

- (4) In regulation 8 (exemption from regulations 6 and 7)(7)—
 - (a) in paragraph (4) the words “except in a case to which paragraph (7) applies” shall be omitted;
 - (b) in paragraph (6) the words “except in a case to which paragraph (7) applies” shall be omitted; and
 - (c) paragraph (7) shall be omitted.

Amendment of the Social Security (Disability Living Allowance) Regulations 1991

3.—(1) The Social Security (Disability Living Allowance) Regulations 1991(8) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 8(2A) (hospitalisation) and regulation 12A(2A) (hospitalisation in mobility component cases)(9) after the words “and to end on the day”, there shall be inserted “before the day”.

(3) In sub-paragraph (b)(ii) of regulation 9A(2) (persons to whom regulations 9 and 10 apply with modifications)(10) for the words “paragraphs (6) to (9)” there shall be substituted “paragraphs (6) to (8)”.

- (4) In regulation 10 (exemption from regulation 8 and 9)(11)—
 - (a) in paragraph (6) the words “except in a case to which paragraph (9) applies” shall be omitted;
 - (b) in paragraph (8) the words “except in a case to which paragraph (9) applies” shall be omitted; and
 - (c) paragraph (9) shall be omitted.

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

22nd May 2000

Hugh Bayley
Parliamentary Under-Secretary of State,
Department of Social Security

(7) Paragraphs (4) to (6) were added to regulation 8 by regulation 8(2)(b) of S.I. [1992/3147](#) and words were inserted into paragraphs (4), (5) and (6) by regulation 2(3) of S.I. [1993/518](#). Paragraph (4) was amended by paragraph 1 of Schedule 8 to S.I. [1999/2860](#). Paragraph (6) was amended by regulation 10 of S.I. [1996/1345](#) and paragraph (7) was added to regulation 8 by regulation 2(3)(d) of S.I. [1993/518](#).

(8) S.I. [1991/2890](#).

(9) Regulation 8 was amended by regulation 4 of S.I. [1992/2869](#) and paragraph (2A) was inserted by regulation 4 of S.I. [1999/1326](#). Regulation 12A was inserted by regulation 2(2) of S.I. [1996/1436](#) and paragraph (2A) was inserted by regulation 4 of S.I. [1999/1326](#).

(10) Regulation 9A was inserted by regulation 3(3) of S.I. [1994/1779](#) and amended by paragraph 4 of Schedule 7 to S.I. [1999/2860](#).

(11) Regulation 10 was amended by regulation 7(2) of S.I. [1992/3147](#), regulation 2(4) of S.I. [1992/633](#), regulation 3(3) of S.I. [1993/518](#), regulation 17 of S.I. [1996/1345](#) and by paragraph 4 of Schedule 7 to S.I. [1999/2860](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Attendance Allowance) Regulations 1991 (“the Attendance Allowance Regulations”) and the Social Security (Disability Living Allowance) Regulations 1991 (“the Disability Living Allowance Regulations”).

Regulations 2(2) and 3(2) respectively amend regulation 6 of the Attendance Allowance Regulations and regulations 8 and 12A of the Disability Living Allowance Regulations. The amendments provide that a period during which a person is, or is treated as, receiving free in-patient treatment or is treated as being maintained free of charge while undergoing medical treatment as an in-patient, ends on the day before the day on which he leaves a hospital or similar institution.

Regulations 2(3) and 3(3) respectively amend regulation 7A of the Attendance Allowance Regulations and regulation 9A of the Disability Living Allowance Regulations by removing the reference to paragraphs (7) and (9) respectively. These amendments are consequential on regulations 2(4) and 3(4) of these Regulations.

Regulations 2(4) and 3(4) respectively amend regulation 8 of the Attendance Allowance Regulations and regulation 10 of the Disability Living Allowance Regulations to remove the provision which prevents payment of attendance allowance or disability living allowance to certain persons in a residential care home or hospice owned or managed by a local authority.

These regulations impose no costs on business.