

2002 No. 208

SOCIAL SECURITY

The Social Security (Attendance Allowance and Disability Living Allowance) (Amendment) Regulations 2002

Made - - - - - *5th February 2002*

Laid before Parliament *8th February 2002*

Coming into force - - *1st March 2002*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 67(2), 72(8) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(b), 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 2002 and shall come into force on 1st March 2002.

Amendment of the Social Security (Attendance Allowance) Regulations 1991

2. In paragraph (5) of regulation 7 of the Social Security (Attendance Allowance) Regulations 1991(c) (persons in certain accommodation other than hospitals)—

(a) after “this regulation” insert “and in regulation 8 below”; and

(b) after sub-paragraph (e) add—

“; or

(f) services provided pursuant to the National Health Service Act 1977(d) or the National Health Service (Scotland) Act 1978(e).”.

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

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

(2) In paragraph (6) of regulation 9 (persons in certain accommodation other than hospitals)—

(a) after “this regulation” insert “and in regulation 10 below”; and

(b) after sub-paragraph (e) add—

(a) 1992 c.4; subsections (1) and (4) of section 175 were amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2).

(b) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c.5).

(c) S.I. 1991/2740; regulation 7 has been amended by S.I. 1992/2869, 3147, 1993/518, 1994/1779 and 1995/2162.

(d) 1977 c.49.

(e) 1978 c.29.

(f) S.I. 1991/2890; regulation 9 has been amended by S.I. 1992/633, 2869, 3147, 1993/518, 1939, 1994/1779, 1995/2162 and 2000/3181. Regulation 10(8) was inserted by S.I. 1992/3147 and amended by S.I. 1996/1345 and 2000/1401.

“; or

(f) services provided pursuant to the National Health Service Act 1977 or the National Health Service (Scotland) Act 1978.”.

(3) In paragraph (8)(b) of regulation 10 (exemption from regulations 8 and 9) for “that accommodation” substitute “the accommodation”.

Signed by authority of the Secretary of State for Work and Pensions.

Maria Eagle

Parliamentary Under-Secretary of State,
Department for Work and Pensions

5th February 2002

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 and 3 respectively provide that the cost of the accommodation for the purposes of regulations 7 and 8(6) of the Attendance Allowance Regulations and regulations 9 and 10(8) of the Disability Living Allowance Regulations does not include the cost of services provided pursuant to the National Health Service Act 1977 or the National Health Service (Scotland) Act 1978.

These Regulations do not impose a charge on business.

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