

1990 No. 2209

**SOCIAL SECURITY**

**The Social Security (Severe Disablement Allowance)  
Amendment Regulations 1990**

<i>Made - - - -</i>	<i>7th November 1990</i>
<i>Laid before Parliament</i>	<i>12th November 1990</i>
<i>Coming into force</i>	<i>3rd December 1990</i>

The Secretary of State for Social Security in exercise of powers conferred by section 36A(4) of, and Schedule 20 to, the Social Security Act 1975(a), and of all other powers enabling him in that behalf, by this instrument, which contains only Regulations made under section 36A of the Social Security Act 1975 and which is made before the end of the period of 6 months beginning with the coming into force of that section, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Severe Disablement Allowance) Amendment Regulations 1990 and shall come into force on 3rd December 1990.

**Amendment of the Social Security (Severe Disablement Allowance) Regulations 1984**

2. After Part II of the Social Security (Severe Disablement Allowance) Regulations 1984(b) (miscellaneous provisions relating to severe disablement allowance) there shall be inserted the following Part -

“ **PART IIA**

**SEVERE DISABLEMENT ALLOWANCE: AGE RELATED  
ADDITION**

**Circumstances in which a person is to be treated as having qualified for severe disablement allowance**

10A. A person shall be treated as having qualified for severe disablement allowance for the purposes of section 36A of the Act (c) (which applies to an age related addition in a severe disablement allowance) -

- (a) where he is a person to whom regulation 20 (persons formerly entitled to non-contributory invalidity pension) applies, on his first day of incapacity for work in a period of not less than 196 consecutive days which preceded the first day of his entitlement to a non-contributory invalidity pension;

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(a) 1975 c.14. Schedule 20 is cited for the meaning it ascribes to “Prescribe” and “Regulations”. Section 36A was inserted by section 2(1) of the Social Security Act 1990 (c.27). Section 2(1) came into force on 1st October 1990 for the purposes of authorising regulations and comes into force for all other purposes on 3rd December 1990. See S.I. 1990/1942. (b) S.I. 1984/1303, to which there are no relevant amendments. (c) Section 36A was inserted into the Social Security Act 1975 by section 2(1) of the Social Security Act 1990. Section 2(1) came into force on 1st October 1990 for the purposes of authorising regulations and comes into force for all other purposes on 3rd December 1990. See S.I. 1990/1942.

- (b) where he has been continuously incapable of work for a period of longer than 196 consecutive days, on his first day of incapacity in that period;
- (c) where he is a person to whom regulation 6 (modification of section 36(2) and (3) of the Act etc.) applies, on his first day of incapacity for work in a period of not less than 196 consecutive days which immediately preceded the first day on which he was previously entitled to a severe disablement allowance.

**Circumstances in which days are to be treated as days of incapacity for work**

**10B.** Where a person is treated as incapable of work for the purposes of section 36(2)(b) of the Act because regulation 7(3) (days for which persons are to be regarded as incapable of work etc.) applies to him, the days on which he was treated as incapable of work under regulation 7(3), shall be treated as days of incapacity for work for the purpose of determining the day on which he qualified for severe disablement allowance under section 36A of the Act.”.

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

7th November 1990

*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 (Severe Disablement Allowance) Regulations 1984 ("the principal regulations"). They provide that for the purposes of section 36A of the Social Security Act 1975, a person shall be treated as having qualified for a severe disablement allowance for the purposes of an age related addition –

- (a) on his first day of incapacity for work in a period of not less than 196 consecutive days which immediately preceded the day on which he became entitled to a non-contributory invalidity pension; or
- (b) on his first day of incapacity in a continuous period of incapacity which lasts longer than 196 consecutive days; or
- (c) on his first day of incapacity for work in a period of not less than 196 consecutive days which preceded the first day of entitlement to a previous severe disablement allowance;

and that days on which a person was capable of work and which satisfied regulation 7(3) of the principal regulations shall be treated as days of incapacity for work for the purpose of determining the day on which he qualified for severe disablement allowance.

The regulations contained in this instrument are made under section 36A of the Social Security Act 1975, that section having been inserted into the Act by section 2 of the Social Security Act 1990 (c.27), and are made before the end of a period of 6 months beginning with the coming into force of that enactment. They are accordingly exempted by section 61(5) of the Social Security Act 1986 (c.50), as amended by paragraph 12(3) of Schedule 8 to the Social Security Act 1989 (c.24), from reference to the Social Security Advisory Committee and have not been so referred.