
STATUTORY INSTRUMENTS

1991 No. 2891

The Social Security (Introduction of Disability Living Allowance) Regulations 1991

PART V

CLAIMS, PAYMENTS AND ADJUDICATION

Claims for both old and new benefits outstanding

21.—(1) This regulation applies where—

- (a) a claim to either mobility allowance or attendance allowance, or both has been made by or on behalf of a person;
- (b) the claim or claims have not been determined by 3rd February 1992, or if it or they have been determined the decision given was that no award be made and an application for review of that decision or an appeal to an appeal tribunal from that decision awaits determination on or after 3rd February 1992; and
- (c) a claim for disability living allowance is made by the person mentioned in subparagraph (a) before the determination on the claim or, as the case may be, the application or appeal, is made.

(2) Where the person mentioned in paragraph (1)(a) has claimed—

- (a) attendance allowance, but not mobility allowance, the claim for disability living allowance shall be treated, until the claim, application or appeal is determined, as a claim for mobility component only;
- (b) mobility allowance, but not attendance allowance, the claim for disability living allowance shall be treated, until the claim, application or appeal is determined, as a claim for care component only;
- (c) attendance allowance and mobility allowance, the claim for disability living allowance shall be treated, until the claims, applications or appeals in respect of both those benefits are determined, as not having been made.

(3) When the claim, application or appeal is or both are determined and—

- (a) the person is awarded attendance allowance, then the claim for care component shall be treated as not having been made;
- (b) the person is awarded mobility allowance, then the claim for mobility component shall be treated as not having been made;
- (c) the person is awarded both attendance allowance and mobility allowance, then the claim for disability living allowance shall continue to be treated as not having been made;
- (d) no award is made, the claim for disability living allowance in so far as it has not been determined, shall then be referred to the adjudication officer for his determination.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Introduction of Disability Living Allowance) Regulations 1991, Section 21.