
STATUTORY INSTRUMENTS

1991 No. 706

SOCIAL SECURITY

The Social Security (Mobility Allowance and Adjudication) Amendment Regulations 1991

<i>Made</i>	- - - -	<i>13th March 1991</i>
<i>Laid before Parliament</i>		<i>20th March 1991</i>
<i>Coming into force</i>	- -	<i>10th April 1991</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 37A(2), 114(1) and (2), 166(2) of, and Schedule 20 to, the Social Security Act 1975(1) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations need not be referred to it(2), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Mobility Allowance and Adjudication) Amendment Regulations 1991 and shall come into force on 10th April 1991.

Amendment of the Mobility Allowance Regulations 1975

2.—(1) Regulation 3 of the Mobility Allowance Regulations 1975(3) (circumstances in which, for the purposes of section 37A of the Social Security Act 1975, a person is or is not to be treated as suffering from physical disablement such that he is unable or virtually unable to walk) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)(b) for the words “while out of doors” there shall be substituted the words “while out of doors; or”.

(3) After paragraph (1)(b) there shall be added the following sub-paragraph—

“(c) he has both legs amputated at levels which are either through or above the ankle, or he has one leg so amputated and is without the other leg, or is without both legs, to the same extent as if it, or they, had been so amputated.”.

(1) 1975 c. 14. Schedule 20 is cited because of the meaning it ascribes to “Prescribe” and “Regulations”. Section 37A was inserted by section 22(1) of the Social Security Pensions Act 1975 (c. 60) and sub-section (2) was amended by section 71(1) of the Social Security Act 1986 (c. 50).
(2) See section 61(1)(b) and (10) of the Social Security Act 1986 ; the definition “regulations” was added to section 61(10) by paragraph 12(4) of Schedule 8 to the Social Security Act 1989 (c. 24).
(3) S.I.1975/1573, to which the relevant amendments are S.I. 1979/172 and 1990/672.

(4) In paragraph (2) for the words “A person shall not be treated” there shall be substituted the words “Unless paragraph (1)(c) applies to him a person shall not be treated”.

Amendment of the Social Security (Adjudication) Regulations 1986

3. In regulation 56(2) of the Social Security (Adjudication) Regulations 1986(4) (reference of medical questions for report)–

- (a) in head (iii) of sub-paragraph (b) for the words “section 84(1) of the 1986 Act” there shall be substituted the words “section 84(1) of the 1986 Act; or”; and
- (b) after sub-paragraph (b) there shall be added the following sub-paragraph–
 - “(c) the evidence before him as to a person’s medical condition where paragraph (1)(c) of regulation 3 of the Mobility Allowance Regulations 1975(5) (circumstances in which, for the purposes of section 37A of the 1975 Act, a person is or is not to be treated as suffering from physical disablement such that he is unable or virtually unable to walk) is relevant to the claim.”.

Signed by authority of the Secretary of State for Social Security

13th March 1991

Nicholas Scott
Minister of State,
Department of Social Security

(4) S.I. 1986/2218, to which the relevant amendment is S.I. 1987/1970.

(5) S.I. 1975/1573, to which the relevant amendments are S.I. 1979/172 and 1990/672.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Mobility Allowance Regulations 1975 by providing that a person who has had both legs amputated at levels which are either through or above the ankle or who has one leg so amputated and is without the other leg, or is without both legs, to the same extent as if they had been so amputated (“a double amputee”) shall be treated for the purpose of mobility allowance as unable or virtually unable to walk, notwithstanding any use of an artificial aid or a prosthesis. They also amend the Social Security (Adjudication) Regulations 1986 by providing that where an adjudication officer has evidence that a person is a double amputee, he need not refer the question of whether that person is unable or virtually unable to walk to a medical practitioner.