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STATUTORY INSTRUMENTS

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**1992 No. 633**

**The Social Security (Disability Living Allowance) Amendment Regulations 1992**

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

2.—(1) The Social Security (Disability Living Allowance) Regulations 1991<sup>(1)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 8 (hospitalisation), in paragraph (3)—

- (a) in the definition of “National Health Service trust” for the words “to it by the NHS Act of 1990” there shall be substituted the words “by section 5 of the NHS Act of 1990 and section 12A of the NHS Act of 1978”; and
- (b) at the end of the definition of “recognised fund-holding practice” there shall be added the words “and section 87A of the NHS Act of 1978”.

(3) In regulation 9 (persons in certain accommodation other than hospitals)—

- (a) in paragraph (1), for the words from “paragraph (2)” to “paragraphs (3) to (5)” there shall be substituted the words “paragraphs (2) to (5)”;
- (b) for paragraph (2) there shall be substituted the following paragraph—

“(2) Subject to paragraph (2A), paragraph (1) shall not apply in the case of a child who—

- (a) has not attained the age of 16 and is being looked after by a local authority; or
- (b) has not attained the age of 18 and to whom—

- (i) section 17(10)(b) of the Children Act 1989<sup>(2)</sup> (impairment of health and development) applies because his health is likely to be significantly impaired, or further impaired, without the provision of services for him, or
- (ii) section 17(10)(c) of the Act of 1989 (disability) applies; or

(c) who is accommodated outside the United Kingdom and the cost of the accommodation is or may be borne wholly or partly by a local authority pursuant to their powers under section 3A of the Education Act 1981<sup>(3)</sup>.”;

(c) after paragraph (2) there shall be inserted the following paragraph—

“(2A) Sub-paragraphs (a) and (b) of paragraph (2) shall only apply during any period during which the local authority looking after the child place him in a private dwelling with a family, or a relative of his, or some other suitable person.”; and

(d) at the beginning of paragraph (3) there shall be inserted the words “paragraph (1)(b), in so far as it relates to enactments relating to persons under disability or to education or training not referred to in sub-paragraph (a), and”.

(4) In regulation 10 (exemption from regulations 8 and 9), for paragraph (4)(b) there shall be substituted the following sub-paragraph—

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<sup>(1)</sup> S.I.1991/2890.

<sup>(2)</sup> 1989 c. 41.

<sup>(3)</sup> 1981 c. 60; section 3A was inserted by the Children Act 1989, Schedule 12, paragraph 26.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“(b) would, but for this regulation, be prevented from receiving the care component of a disability living allowance by reason of regulation 9(1).”.