
STATUTORY INSTRUMENTS

1992 No. 728

SOCIAL SECURITY

The Social Security (Introduction of Disability Living Allowance) Miscellaneous Amendments Regulations 1992

<i>Made</i>	- - - -	<i>12th March 1992</i>
<i>Laid before Parliament</i>		<i>12th March 1992</i>
<i>Coming into force</i>	- -	<i>16th March 1992</i>

The Secretary of State for Social Security, in exercise of the powers conferred by section 166(2) of the Social Security Act 1975⁽¹⁾ and sections 5 and 11 of the Disability Living Allowance and Disability Working Allowance Act 1991⁽²⁾ and of all other powers enabling him in that behalf, by this instrument, which contains only provisions made consequential upon section 1 of the Disability Living Allowance and Disability Working Allowance Act 1991, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Introduction of Disability Living Allowance) Miscellaneous Amendments Regulations 1992 and shall come into force on 16th March 1992.

(2) In these Regulations—

“the Consequential Regulations” means the Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991⁽³⁾;

“the Introduction Regulations” means the Social Security (Introduction of Disability Living Allowance) Regulations 1991⁽⁴⁾.

Amendment of regulation 19 of the Introduction Regulations

2. In regulation 19 of the Introduction Regulations (claims for attendance allowance and mobility allowance treated as not made) for the words “made on that day” to the end there shall be substituted

(1) 1975 c. 14. Section 166(2) is applied to sections 5 and 11 of the Disability Living Allowance and Disability Working Allowance Act 1991 by sections 5(4) and 11(2) of that Act respectively.
(2) 1991 c. 21.
(3) S.I.1991/2742.
(4) S.I. 1991/2891.

the words “for attendance allowance or mobility allowance made on or after the day on which the claim for disability living allowance was made shall be treated as not having been made”.

Amendment of regulation 22 of the Introduction Regulations

3. For paragraph (9) of regulation 22 of the Introduction Regulations (determination of claims for, or of application for review of decisions relating to, attendance allowance) there shall be substituted the following paragraph—

“(9) For the purposes of the provisions of Part III of the 1975 Act in so far as they relate to the review of decisions of adjudication officers, any decision made by the former Attendance Allowance Board under section 105(3) or 106(1) of the 1975 Act together (if applicable) with any certificate issued or altered in consequence of that decision shall, after 5th April 1992, be treated as a decision of an adjudication officer and as such shall be subject to review on the same grounds and in the same circumstances as decisions of an adjudication officer.”.

Amendment of regulation 23 of the Introduction Regulations

4. In regulation 23 of the Introduction Regulations (appeals to Commissioners from decisions of the Attendance Allowance Board)—

(a) for paragraph (1) there shall be substituted the following paragraphs—

“(1) Subject to paragraph (1A), after the 5th April 1992 an appeal lies to a Commissioner, with his leave or that of another Commissioner, against a determination by the Attendance Allowance Board of any question of law arising from either—

(a) a review made by the Attendance Allowance Board under section 106(1) of the 1975 Act, or

(b) a refusal by the Attendance Allowance Board to review a determination made by them under section 105(3) or 106(1) of the 1975 Act,

at the instance of the claimant in question or the Secretary of State.

(1A) Those provisions of the Social Security Commissioners Procedure Regulations 1987(5) which on 5th April 1992 applied to applications or appeals made under section 106(2) of the 1975 Act shall apply in like manner to applications and appeals made under paragraph (1).”;

(b) at the beginning of paragraph (2) there shall be inserted the words “On or after 16th March 1992”.

Amendment of regulation 27 of the Introduction Regulations

5. In regulation 27 of the Introduction Regulations (persons unable to act)—

(a) in paragraph (1), for the words “Subject to the following provisions of this regulation” there shall be substituted the words “Except as provided in paragraph (3)”; and

(b) paragraph (4) shall be omitted.

Amendment of regulation 7 of the Consequential Regulations

6. For regulation 7 of the Consequential Regulations (amendment of the Tribunal and Inquiries (Social Security Commissioners) Order 1980) there shall be substituted the following regulation—

“(7) In article 2 of the Social Security Commissioners Order—

- (a) in paragraph (e), after the words “Social Security Act 1975” there shall be inserted the words “or regulation 23(1) of the Social Security (Introduction of Disability Living Allowance) Regulations 1991”; and
- (b) after paragraph (e) there shall be inserted the following paragraph—
 - “(f) a Commissioner’s decision on an application for leave to appeal against a decision of a disability appeal tribunal under section 101(5A) of the Social Security Act 1975(6).”.

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

12th March 1992

Nicholas Scott
Minister of State,
Department of Social Security

(6) Subsection (5A) was inserted by paragraph 7(3) of Schedule 5 to the Social Security Act 1986 (c. 50) and amended by paragraph 6(b) of Schedule 1 to the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21).

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Introduction of Disability Living Allowance) Regulations 1991 (“the Introduction Regulations”) and the Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991 (“the Consequential Regulations”).

Regulations 2 and 3 make minor changes to regulations 19 and 22 of the Introduction Regulations (claims for attendance allowance or mobility allowance treated as not having been made and determination of claims for, or applications for review of decisions relating to, attendance allowance).

Regulation 4 amends regulation 23 of the Introduction Regulations by making provision for appeals and applications for leave to appeal to a Social Security Commissioner from decisions of the Attendance Allowance Board after it ceases to exist on 5th April 1992.

Regulation 5 clarifies regulation 27 of the Introduction Regulations which makes provision for the appointment of persons to receive disability living allowance on behalf of persons unable to act.

Regulation 6 amends regulation 7 of the Consequential Regulations which in turn amends article 2 of the Tribunals and Inquiries (Social Security Commissioners) Order 1980. The effect of these amendments is that Social Security Commissioners are not required to give reasons for decisions on applications for leave to appeal from decisions of the Attendance Allowance Board and disability appeal tribunals.