
STATUTORY INSTRUMENTS

2010 No. 1651

SOCIAL SECURITY

The Social Security (Disability Living Allowance) (Amendment) Regulations 2010

Made - - - - 22nd June 2010

Laid before Parliament 29th June 2010

Coming into force in accordance with regulation 1(2)

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 73(1AB), 122, and 175(1), (2), (3) and (4) of the Social Security Contributions and Benefits Act 1992⁽¹⁾ and sections 39(1), 79(1), (3) and (4) and 84 of the Social Security Act 1998⁽²⁾.

The Secretary of State for Work and Pensions referred the proposals for these Regulations to the Social Security Advisory Committee⁽³⁾.

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Disability Living Allowance) (Amendment) Regulations 2010.

(2) These Regulations come into force:

- (a) for the purposes of assessing claims and making decisions on eligibility, on 15th October 2010; and
- (b) for all other purposes, on 11th April 2011.

Amendment of regulation 12 of the Social Security (Disability Living Allowance) Regulations 1991

2.—(1) Regulation 12 of the Social Security (Disability Living Allowance) Regulations 1991⁽⁴⁾ is amended as follows.

(2) After paragraph (1) insert—

(1) 1992 c.4. Section 73(1AB) was inserted by section 14 of the Welfare Reform Act 2009 (c.24). Section 122 is cited for the meaning given to the word “prescribed”.
(2) 1998 c.14. Section 84 is cited for the meaning given to the word “prescribed”.
(3) See section 172(1) of the Social Security Administration Act 1992 (c. 5).
(4) S.I. 1991/2890, amended by S.I. 1993/1939, S.I. 1994/1779 and S.I. 2002/648.

- (a) “(1A) For the purposes of section 73(1AB)(a) of the Act (mobility component for the severely visually impaired) a person is to be taken to satisfy the condition that he has a severe visual impairment if—
 - (i) he has visual acuity, with appropriate corrective lenses if necessary, of less than 3/60; or
 - (ii) he has visual acuity of 3/60 or more, but less than 6/60, with appropriate corrective lenses if necessary, a complete loss of peripheral visual field and a central visual field of no more than 10° in total.
- (b) For the purposes of section 73(1AB)(b), the conditions are that he has been certified as severely sight impaired or blind by a consultant ophthalmologist.
- (c) In this paragraph—
 - (i) references to visual acuity are to be read as references to the combined visual acuity of both eyes in cases where a person has both eyes;
 - (ii) references to measurements of visual acuity are references to visual acuity measured on the Snellen Scale;
 - (iii) references to visual field are to be read as references to the combined visual field of both eyes in cases where a person has both eyes.”.

Health care professionals

3. For the purposes of section 39(1) of the Social Security Act 1998 (meaning of health care professional), in relation to a claim for disability living allowance under section 73(1AB) of the Social Security Contributions and Benefits Act 1992, the following persons are health care professionals—

- (a) an optometrist registered with the General Optical Council;
- (b) an orthoptist registered with the Health Professions Council.

Signed by authority of the Secretary of State for Work and Pensions.

22nd June 2010

Maria Miller
Parliamentary Under-Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations extend the higher rate of the mobility component of disability living allowance (“DLA”) to certain severely visually impaired people.

Regulation 2 of these Regulations inserts a new paragraph (1A) into regulation 12 of the Social Security (Disability Living Allowance) Regulations 1991. The effect is that a person will qualify for the higher rate of the mobility component of DLA if that person has the prescribed level of severe visual impairment and has been certified as being severely sight impaired or blind by a consultant ophthalmologist.

Regulation 3 prescribes registered optometrists and orthoptists as health care professionals for the purpose of section 39(1) of the Social Security Act 1998 in relation to decisions under section 73(1AB) of the Social Security Contributions and Benefits Act 1992. This enables the Secretary of State to exercise his power, under section 19 of the Social Security Act 1998, to refer a person who makes a claim for DLA on the basis of a severe visual impairment, to an optometrist or orthoptist, in cases where further clinical information is required in order to determine the claim.

The Secretary of State consulted such persons as he considers appropriate, before making these regulations.

A full impact assessment has not been published for this instrument as it has only a negligible impact on the private and voluntary sectors.