



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

PART III

NON-CONTRIBUTORY BENEFITS

Attendance allowance

64 Entitlement.

- (1) A person shall be entitled to an attendance allowance if he [^{F1}has attained pensionable age], he is not entitled to [^{F2}an allowance within subsection (1A)] and he satisfies either—
- (a) the condition specified in subsection (2) below (“the day attendance condition”), or
 - (b) the condition specified in subsection (3) below (“the night attendance condition”),
- and prescribed conditions as to residence and presence in Great Britain.

[^{F3}(1A) The following allowances are within this subsection—

- (a) personal independence payment;
- [adult disability payment;]
- ^{F4}(aa) the care component of a disability living allowance.]

- (2) A person satisfies the day attendance condition if he is so severely disabled physically or mentally that, by day, he requires from another person either—
- (a) frequent attention throughout the day in connection with his bodily functions, or
 - (b) continual supervision throughout the day in order to avoid substantial danger to himself or others.

Status: Point in time view as at 21/03/2022.

Changes to legislation: Social Security Contributions and Benefits Act 1992, Section 64 is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) A person satisfies the night attendance condition if he is so severely disabled physically or mentally that, at night,—
- (a) he requires from another person prolonged or repeated attention in connection with his bodily functions, or
 - (b) in order to avoid substantial danger to himself or others he requires another person to be awake for a prolonged period or at frequent intervals for the purpose of watching over him.
- [^{F5}(4) Circumstances may be prescribed in which a person is to be taken to satisfy or not to satisfy such of the conditions mentioned in subsections (2) and (3) above as may be prescribed.]

Textual Amendments

- F1** Words in s. 64(1) substituted (6.12.2018) by [Pensions Act 2007 \(c. 22\), s. 13\(3\)](#), [Sch. 1 para. 41](#)
- F2** Words in s. 64(1) substituted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 9 para. 5\(2\)](#); S.I. 2013/358, art. 7(1)(2)(k), [Sch. 3](#); S.I. 2013/1250, art. 2
- F3** S. 64(1A) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 9 para. 5\(3\)](#); S.I. 2013/358, art. 7(1)(2)(k), [Sch. 3](#); S.I. 2013/1250, art. 2
- F4** S. 64(1A)(aa) inserted (21.3.2022 with effect in accordance with reg. 1(1) of the amending S.I.) by [The Scotland Act 2016 \(Social Security\) \(Adult Disability Payment and Child Disability Payment\) \(Amendment\) Regulations 2022 \(S.I. 2022/335\)](#), [reg. 2\(2\)](#)
- F5** S. 64(4) added (12.1.2000) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), [ss. 66\(1\)](#), 89(1); S.I. 1999/3309, art. 2(3)

Modifications etc. (not altering text)

- C1** S. 64 modified (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), [Sch. 3 para. 20](#)

Status:

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