



Welfare Reform Act 2007

2007 CHAPTER 5

PART 4

MISCELLANEOUS

Disability living allowance: age conditions

52 Care component of disability living allowance: persons under the age of 16

(1) Section 72 of the Contributions and Benefits Act (care component of disability living allowance) is amended as follows.

(2) After subsection (1) insert—

“(1A) In its application to a person in relation to so much of a period as falls before the day on which he reaches the age of 16, subsection (1) has effect subject to the following modifications—

- (a) the condition mentioned in subsection (1)(a)(ii) shall not apply, and
- (b) none of the other conditions mentioned in subsection (1) shall be taken to be satisfied unless—

- (i) he has requirements of a description mentioned in the condition substantially in excess of the normal requirements of persons of his age, or

- (ii) he has substantial requirements of such a description which younger persons in normal physical and mental health may also have but which persons of his age and in normal physical and mental health would not have.”

(3) After subsection (2) insert—

“(2A) The modifications mentioned in subsection (1A) shall have effect in relation to the application of subsection (1) for the purposes of subsection (2), but only—

- (a) in the case of a person who is under the age of 16 on the date on which the award of the care component would begin, and

Status: This is the original version (as it was originally enacted).

- (b) in relation to so much of any period mentioned in subsection (2) as falls before the day on which he reaches the age of 16.”
- (4) In subsection (5) (terminally ill person to be taken to have satisfied the conditions mentioned in subsection (1)(b) and (c)), after “person, shall” insert “(notwithstanding subsection (1A)(b))”.
- (5) Subsection (6) (modifications for persons under 16) ceases to have effect.
- (6) In subsection (7), for “subsections (5) and (6)” substitute “subsection (5)”.
- (7) After that subsection insert—
 - “(7A) Subsection (1A) has effect subject to regulations made under subsection (7) (except as otherwise prescribed).”

53 Mobility component of disability living allowance: persons under the age of 16

- (1) Section 73 of the Contributions and Benefits Act (mobility component of disability living allowance) is amended as follows.
- (2) For subsection (4) substitute—
 - “(4A) In its application to a person in relation to so much of a period as falls before the day on which he reaches the age of 16, subsection (1) has effect subject to the modification that the condition mentioned in paragraph (d) shall not be taken to be satisfied unless—
 - (a) he requires substantially more guidance or supervision from another person than persons of his age in normal physical and mental health would require, or
 - (b) persons of his age in normal physical and mental health would not require such guidance or supervision.”
- (3) In subsection (5), omit “Subject to subsection (4) above,”.
- (4) After that subsection insert—
 - “(5A) Subsection (4A) has effect subject to regulations made under subsection (5) (except as otherwise prescribed).”
- (5) After subsection (9) insert—
 - “(9A) The modifications mentioned in subsection (4A) shall have effect in relation to the application of subsection (1) for the purposes of subsection (9), but only—
 - (a) in the case of a person who is under the age of 16 on the date on which the award of the mobility component would begin, and
 - (b) in relation to so much of any period mentioned in subsection (9) as falls before the day on which he reaches the age of 16.”