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STATUTORY INSTRUMENTS

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**2002 No. 648**

**SOCIAL SECURITY**

**The Social Security (Disability Living Allowance) (Amendment) Regulations 2002**

<i>Made</i>	- - - -	<i>11th March 2002</i>
<i>Laid before Parliament</i>		<i>15th March 2002</i>
<i>Coming into force</i>	- -	<i>8th April 2002</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 73(5) and 175(3) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee<sup>(2)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Disability Living Allowance) (Amendment) Regulations 2002 and shall come into force on 8th April 2002.

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

2. In regulation 12 of the Social Security (Disability Living Allowance) Regulations 1991<sup>(3)</sup> (entitlement to the mobility component), there shall be added after paragraph (6) the following paragraphs—

“(7) For the purposes of section 73(1)(d) of the Act, a person who is able to walk is to be taken not to satisfy the condition of being so severely disabled physically or mentally that he cannot take advantage of the faculty out of doors without guidance or supervision from another person most of the time if he does not take advantage of the faculty in such circumstances because of fear or anxiety.

(8) Paragraph (7) shall not apply where the fear or anxiety is—

(a) a symptom of a mental disability; and

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(1) 1992 c. 4.

(2) See section 172(1) of the Social Security Administration Act 1992 (c. 5).

(3) S.I.1991/2890. Relevant amending instruments are S.I. 1993/1939 and 1994/1779.

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**Status:** This is the original version (as it was originally made).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) so severe as to prevent the person from taking advantage of the faculty in such circumstances.”.

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

11th March 2002

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Disability Living Allowance) Regulations 1991 in relation to the conditions of entitlement to the mobility component of a disability living allowance. They provide that a person does not meet the conditions of section 73(1)(d) of the Social Security Contributions and Benefits Act 1992 if the reason he does not take advantage of the faculty of walking out of doors unaccompanied is fear or anxiety. This provision does not apply where the fear or anxiety is a symptom of a mental disability and so severe as to prevent the person from taking advantage of the faculty of walking out of doors unaccompanied.

The Report of the Social Security Advisory Committee dated 11th December 2001 on the proposals referred to them in these Regulations, together with a statement showing the extent to which these Regulations give effect to the Recommendations of the Committee, and in so far as they do not give effect to them, the reasons why not, are contained in the Command paper Cm. 5469, published by the Stationery Office Limited.

These Regulations do not impose any costs on business.