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STATUTORY INSTRUMENTS

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**2011 No. 2426**

**The Social Security (Disability Living Allowance,  
Attendance Allowance and Carer's Allowance)  
(Miscellaneous Amendments) Regulations 2011**

**Amendment of the Social Security (Claims and Payments) Regulations 1987**

**3.** In regulation 6 of the Social Security (Claims and Payments) Regulations 1987<sup>(1)</sup> (date of claim), at the end, add—

“(35) A claim for attendance allowance or the care component of disability living allowance which is in respect of a period beginning on or before 18th October 2007 but which is made after that date, is to be treated as made on 18th October 2007 where—

- (a) on or after 8th March 2001, the claimant had an award of that benefit;
- (b) the Secretary of State made a superseding decision to end that award on the ground that there had been, or it was anticipated that there would be, a relevant change of circumstances as a result of the claimant's moving, or planning to move, from Great Britain to an EEA state or Switzerland;
- (c) that superseding decision was confirmed on appeal; and
- (d) the claimant has not received an extra-statutory payment in respect of the benefit being claimed.

(36) A claim for carer's allowance which is in respect of a period beginning on or before 18th October 2007 but which is made after that date, is to be treated as made on 18th October 2007 where—

- (a) on or after 8th March 2001, the claimant had an award of that benefit;
- (b) the Secretary of State made a superseding decision to end that award on the ground that there had been, or it was anticipated that there would be, a relevant change of circumstances as a result of—
  - (i) the claimant's moving from Great Britain to an EEA state or Switzerland; or
  - (ii) the claimant no longer caring for a severely disabled person, as defined in section 70(2) of the Contributions and Benefits Act, because that person's award of attendance allowance or the care component of disability living allowance had ended, or would end, by virtue of a superseding decision made on the ground of that person's moving from Great Britain to an EEA state or Switzerland; and
- (c) the claimant has not received an extra-statutory payment in respect of that allowance.

(37) In paragraphs (35)(d) and (36)(c), “extra-statutory payment” means a payment made by the Secretary of State, in respect of attendance allowance, the care component of disability living allowance or carer's allowance which, but for the superseding decision

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<sup>(1)</sup> [S.I.1987/1968](#). Paragraph (34) is substituted by [S.I.2008/2667](#).

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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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referred to in paragraph (35)(b) or, as the case may be, (36)(b), would have been payable from 18th October 2007.”.