
STATUTORY INSTRUMENTS

1991 No. 1712

The Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991

Disability working allowance

Entitlement to other benefits after termination of entitlement to disability working allowance

II.—(1) In section 15 of the principal Act (invalidity pension), after subsection (5) there shall be inserted the following subsections—

“(5A) Where—

- (a) a person who is engaged and normally engaged in remunerative work ceases to be so engaged; and
- (b) he is entitled to a disability working allowance for the week in which there falls the last day on which he is so engaged; and
- (c) he qualified for a disability working allowance for that week by virtue of an invalidity pension under this section having been payable to him; and
- (d) the first relevant day after he ceases to be engaged as mentioned in paragraph (a) above is for him a day of incapacity for work and falls not later than the end of the period of two years beginning with the last day for which he was entitled to such a pension,

any day since that day which fell within a week for which he was entitled to a disability working allowance shall be treated for the purposes of any claim for such a pension for a period commencing after he ceases to be engaged as mentioned in paragraph (a) above as having been a day of incapacity for work.

(5B) Any day other than a Sunday or a day prescribed under section 17(1)(e) below is a relevant day for the purposes of subsection (5A) above.”.

(2) In section 36 of that Act (severe disablement allowance), after subsection (6B) there shall be inserted the following subsection—

“(6C) Where—

- (a) a person who is engaged and normally engaged in remunerative work ceases to be so engaged; and
- (b) he is entitled to a disability working allowance for the week in which there falls the last day on which he is so engaged; and
- (c) he qualified for a disability working allowance for that week by virtue of a severe disablement allowance having been payable to him; and
- (d) the first day after he ceases to be engaged as mentioned in paragraph (a) above is a day on which he is incapable of work and falls not later than the end of the period of two years beginning with the last day for which he was entitled to a severe disablement allowance,

any day since that day which fell within a week for which he was entitled to a disability working allowance shall be treated for the purposes of any claim for a severe disablement

allowance for a period commencing after he ceases to be engaged as mentioned in paragraph (a) above as having been a day on which he was both incapable of work and disabled.”.

(3) After Article 18 of the Pensions Order there shall be inserted the following Article—

“Entitlement to invalidity pension after termination of entitlement to disability working allowance

18A.—(1) Where—

- (a) a person who is engaged and normally engaged in remunerative work ceases to be so engaged; and
- (b) he is entitled to a disability working allowance for the week in which there falls the last day on which he is so engaged; and
- (c) he qualified for a disability working allowance for that week by virtue of an invalidity pension under Article 17 or 18 having been payable to him; and
- (d) the first relevant day after he ceases to be engaged as mentioned in sub-paragraph (a) is a day on which he is incapable of work and falls not later than the end of the period of two years beginning with the last day for which he was entitled to such a pension,

any day since that day which fell within a week for which he was entitled to a disability working allowance shall be treated for the purposes of any claim for such a pension for a period commencing after he ceases to be engaged as mentioned in sub-paragraph (a) as having been a day on which he was incapable of work.

(2) Any day other than a Sunday or a day prescribed under section 17(1)(e) of the principal Act is a relevant day for the purposes of this Article.”.

(4) In Schedule 17 to the principal Act, at the end of the definition of “week” there shall be added the words “and except in relation to disability working allowance”.

(5) Where—

- (a) a person becomes entitled to an invalidity pension or a severe disablement allowance by virtue of section 15(5A) or 36(6C) of the principal Act or Article 18A of the Pensions Order; and
- (b) when he was last entitled to that pension or allowance, it was increased in respect of a dependant by virtue of—
 - (i) regulation 8(6) of the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977;
 - (ii) regulation 2 of the Social Security (Savings for Existing Beneficiaries) Regulations (Northern Ireland) 1984;
 - (iii) regulation 3 of the Social Security Benefit (Dependency) (Amendment) Regulations (Northern Ireland) 1984; or
 - (iv) regulation 4 of the Social Security Benefit (Dependency and Computation of Earnings) (Amendment) Regulations (Northern Ireland) 1989,

for the purpose of determining whether his pension or allowance should be increased by virtue of that regulation for any period beginning with the day on which he again becomes entitled to his pension or allowance, the increase in respect of that dependant shall be treated as having been payable to him on each day between the last day on which his pension or allowance was previously payable and the day on which he again becomes entitled to it.