

SCHEDULES

SCHEDULE 2

Article 6(2).

DISABILITY LIVING ALLOWANCE AND ATTENDANCE ALLOWANCE: AMENDMENTS

The Vehicles (Excise) Act (Northern Ireland) 1972 (c. 10)

1. In section 7(2) (exemption from duty of vehicles used by disabled persons), for “mobility allowance or”—
 - (a) in the first place where it occurs, substitute “disability living allowance by virtue of entitlement to the mobility component at the higher rate or”; and
 - (b) in the second place, substitute “disability living allowance by virtue of such entitlement or of”.

The principal Act

2.—(1) In section 35(2B)(b) (which relates to attendance allowance for the terminally ill) for “specified in a certificate issued by virtue of paragraph (a) above” substitute “for which he is entitled to attendance allowance”.

(2) For subsection (3) (weekly rate of attendance allowance) of that section substitute the following subsection—

“(3) The weekly rate of the attendance allowance payable to a person for any period shall be the higher rate specified in relation thereto in Schedule 4, Part III, paragraph 1, if both as regards that period and as regards the period of 6 months mentioned in subsection (2)(b) above he has satisfied or is likely to satisfy both the conditions mentioned in subsection (1) (a) above and subsection (1)(b) above, and shall be the lower rate in any other case.”.

(3) Insert the words “or is treated as making” after “makes” in subsections (4) and (4A) (which relate to attendance allowance for any period preceding the date of the claim for it).

3. In section 37(2) (invalid care allowance) after “attendance allowance” insert “or a disability living allowance by virtue of entitlement to the care component at the highest or middle rate”.

4. In section 154D(4) (restrictions on entitlement to benefit in certain cases of error), in the definition of “adjudicating authority”—

- (a) in paragraph (a), after “a social security appeal tribunal” insert “, a disability appeal tribunal”; and
- (b) in paragraph (b), after “the Supplementary Benefits Commission for Northern Ireland,” insert “the Attendance Allowance Board,”.

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

5. In Part II of Schedule 1 (bodies of which all members are disqualified), insert at the appropriate place in alphabetical order—

“The Disability Living Allowance Advisory Board for Northern Ireland”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

6. In Part III (other disqualifying offices) of that Schedule—
- (a) in the entry for a full-time chairman of Social Security Appeal Tribunals and Medical Appeal Tribunals for Northern Ireland for “and Medical Appeal Tribunals” substitute “, Medical Appeal Tribunals and Disability Appeal Tribunals”;
 - (b) in the entry for the President of Social Security Appeal Tribunals and Medical Appeal Tribunals for Northern Ireland for “and Medical Appeal Tribunals” substitute “, Medical Appeal Tribunals and Disability Appeal Tribunals”.

The Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (NI 11)

7. In Article 10(1) (mobility allowances for certain persons eligible for invalid carriages), for the words from “section 37A” to the end substitute “section 37ZC of the principal Act (which relates to the mobility component of a disability living allowance) to satisfy the condition mentioned in subsection (1)(a) of that section and to fall within paragraphs (a) and (b) of subsection (9) by virtue of having satisfied or being likely to satisfy that condition throughout both the periods mentioned in those paragraphs.”.

The Social Security Act 1980 (c. 30)

8. In paragraph 12 of Part 11 of Schedule 3 (regulations not requiring prior submission to the Social Security Advisory Committee)—
- (a) sub-paragraph (3) (regulations relating to matters referred to the Attendance Allowance Board), as substituted by paragraph 10 of Schedule 2 to the Disability Living Allowance and Disability Working Allowance Act 1991, shall cease to have effect;
 - (b) in sub-paragraph (4), after “principal Act” insert “or the Social Security (Northern Ireland) Act 1975”.

The Social Security (Northern Ireland) Order 1980 (NI 8)

9. In Article 12 (proof of decisions of statutory authorities), at the end of paragraph (2) add the following—
- “and
- (cc) a disability appeal tribunal appointed under Schedule 10A to the principal Act”.

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

10. In Article 129C(2)(a) (payments in respect of applicants for exemption from wearing seat belts), after head (i) insert the following head—
- “(iA) a disability living allowance under section 37ZA of that Act;”.

The 1986 Order

11. Insert the words “(other than attendance allowance and disability living allowance)”—
- (a) in Article 53(3) (adjudication as to income-related benefits), after “benefit under that Act”; and
 - (b) in Schedule 7, at the end of paragraph 4(1) (adjudication as to certain former benefits).
12. In Schedule 6 (Christmas bonus for pensioners), in paragraph 1(2), after paragraph (a) of the definition of “attendance allowance” insert the following paragraph—
- “(aa) a disability living allowance under that Act;”.

The Social Security (Northern Ireland) Order 1989 (NI 13)

13. In Part I of Schedule 2 (persons employed in social security administration or adjudication)—
- (a) in the entry relating to adjudicating bodies, after “a social security appeal tribunal;” insert—
 - “(aa) a disability appeal tribunal;”;
 - (b) after the entry relating to adjudicating bodies insert the following entry—
 - “*The Disability Living Allowance Advisory Board for Northern Ireland*
 - A member of the Disability Living Allowance Advisory Board for Northern Ireland.
 - An officer or servant of that Board.”
- ; and
- (c) in the entry relating to former statutory bodies and officers after “National Assistance Board for Northern Ireland” insert—
 - “(c) the former Attendance Allowance Board for Northern Ireland.”.