

1977 No. 242

SOCIAL SECURITY

**The Social Security (Mobility Allowance) (Vehicle Scheme Beneficiaries)
Regulations (Northern Ireland) 1977**

Made 4th August 1977

Coming into operation 17th August 1977

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 37A(1) and (4) and section 114(1) and (2) of the Social Security (Northern Ireland) Act 1975(a) and Article 10 of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Mobility Allowance) (Vehicle Scheme Beneficiaries) Regulations (Northern Ireland) 1977 and shall come into operation on 17th August 1977.

(2) In these regulations unless the context otherwise requires—

“the Order” means the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977;

“the principal Act” means the Social Security (Northern Ireland) Act 1975;

“the principal regulations” means the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975(c), as amended(d);

“vehicle scheme beneficiary” means any person of the class specified in Article 10(3)(a), (c) or (d) of the Order or any person of the class specified in Article 10(3)(b) of the Order whose application was approved on or after 1st January 1976;

“certificate” means a certificate for the purposes of Article 10(1) of the Order;

and other expressions have the same meanings as in the principal Act.

(3) Except in so far as the context otherwise requires any reference in these regulations to—

(a) a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;

(b) any provision made by or contained in any enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it, with or without modifications.

(a) 1975 c. 15

(b) S.I. 1977/610 (N.I. 11)

(c) S.R. 1975 No. 280 (II, p. 1352)

(d) There is no amendment relevant to the subject matter of these regulations.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(e) shall apply for the purposes of the interpretation of this statutory rule as they apply for the purposes of the interpretation of an Act of Parliament.

Prescribed periods for purposes of Article 10(3)(c) of the Order

2. For the purposes of Article 10(3)(c) of the Order—

- (a) the prescribed period before 1st January 1976 shall be that commencing with 1st January 1970 and ending with 31st December 1975; and
- (b) the prescribed period after 1st January 1976 shall be that commencing with 2nd January 1976 and ending with 31st March 1978.

Issue of certificates

3.—(1) The Department shall issue a certificate in the form approved by it in respect of any person—

- (a) who has made an application for a certificate in the form approved by the Department; and
 - (b) whom the Department considers satisfies the conditions specified in paragraph (2).
- (2) The conditions referred to in paragraph (1) are—
- (a) that he is a vehicle scheme beneficiary; and
 - (b) that his physical condition has not improved to such an extent that he no longer satisfies the conditions which it was necessary for him to satisfy in order to become a vehicle scheme beneficiary.

Duration and cancellation of certificates

4.—(1) Subject to paragraphs (2) and (3) the period during which a certificate is in force shall commence on the day specified in the certificate as being the date on which it comes into force and shall continue for the life of the person concerned.

(2) The period specified in paragraph (1) shall not commence—

- (a) in the case of a vehicle scheme beneficiary who on or after 1st August 1977 is receiving payments in pursuance of Article 30(3) of the Health and Personal Social Services (Northern Ireland) Order 1972(f) in respect of a vehicle belonging to him, before 5th July 1978; or
- (b) in relation to any other vehicle scheme beneficiary—
 - (i) before 16th November 1977 if his surname begins with any of the letters from A to K in the alphabet; or
 - (ii) before 15th February 1978 if his surname begins with any of the letters from L to Z in the alphabet.

(3) If in any case the Department determines that the condition specified in regulation 3(2)(b) is not satisfied, the certificate shall cease to be in force from the date of such non-satisfaction as determined by the Department (or such later date as appears to the Department to be reasonable in the circumstances).

Supply of information in connection with certificates

5.—(1) Any person who is an applicant for a certificate or in respect of whom a certificate has been issued—

(e) 1889 c. 63

(f) S.I. 1972/1265 (N.I. 14)

- (a) shall furnish to the Department such information and evidence relating to his circumstances as the Department may require on the making of the application and from time to time thereafter; and
- (b) shall notify the Department of any change in his circumstances which might effect the cancellation of the certificate; and
- (c) shall comply with any notice given to him by the Department which requires him to submit himself to medical examination for the purposes of determining whether he satisfies the condition specified in regulation 3(2)(b).

(2) The requirements of regulation 7 of the principal regulations as to notices given for the purposes of that regulation shall apply to notices given for the purposes of paragraph (1)(c).

Application of the principal Act and principal regulations in relation to vehicle scheme beneficiaries

6. In relation to a person in respect of whom a certificate is in force—
- (a) section 37A of the principal Act shall have effect as though in subsection (4) the words “or over pensionable age” were omitted; and
 - (b) the principal regulations shall have effect as though—
 - (i) regulation 2(1)(c) and (d) were omitted; and
 - (ii) in regulation 14 after paragraph (1)(b) there were inserted—
“or
(c) the issue of a certificate under the Social Security (Mobility Allowance) (Vehicle Scheme Beneficiaries) Regulations (Northern Ireland) 1977.”; and
 - (iii) in regulation 19 after paragraph (3) there were added—
“(4) Where the grounds of an application under paragraph (2) are that a certificate issued for the purposes of Article 10 of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 has been cancelled, the insurance officer may himself determine any medical question arising on review adversely to the person in question without referring it to a medical board and the provisions of regulations 15(3) and 16 to 18 shall apply to such determination as though it were a determination under regulation 15(2)(b).”.

Entitlement to an allowance in respect of weeks before that in which a claim is received by the Department

7. A person in respect of whom a certificate is in force may be entitled to mobility allowance for any week—

- (a) falling before the week in which a claim for the allowance by or in respect of him is received by the Department; and
- (b) falling after the date specified in the certificate in respect of him as being the date on which such certificate comes into force.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 4th August 1977.

(L.S.)

C. G. Oakes

Senior Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations make provisions concerning the issue and cancellation of certificates whereby, by virtue of Article 10 of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977, certain classes of persons may be deemed to satisfy certain of the conditions for mobility allowance specified in section 37A of the Social Security (Northern Ireland) Act 1975.

They also make provision for further defining the classes of persons concerned and for relaxing for those in respect of whom the certificates are issued requirements of the Social Security (Northern Ireland) Act 1975 and the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975 relating to the upper age limit for the allowance, the residence and presence conditions for the allowance, the period for which a person may be entitled to the allowance and the determination of claims for the allowance.