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STATUTORY RULES OF NORTHERN IRELAND

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**1992 No. 38**

**The Social Security (Introduction of Disability Living Allowance) Regulations (Northern Ireland) 1992**

**Part IV**

**Provisions Common to Parts II and III**

**Backdating of awards of disability living allowance**

**12.**—(1) This regulation applies where—

- (a) a person claims or is treated as claiming attendance allowance or mobility allowance before 6th April 1992; and
- (b) the decision on the claim—
  - (i) is given after 2nd February 1992, and
  - (ii) was that the person was not entitled to either of those benefits.

(2) Where such a person submits a claim for disability living allowance within 3 months of the date on which the decision on the claim referred to in paragraph (1) was notified to him, any award of disability living allowance arising from the later claim may, notwithstanding section 37ZE(1), be for a period commencing on such earlier date (but not before 6th April 1992) as the adjudicating authority determining the claim decides that the person satisfied the appropriate conditions of entitlement thereto.

(3) Notwithstanding section 37ZD(1), a person who has attained the age of 65, but not the age of 66, on 6th April 1992, shall be entitled to disability living allowance where, in addition to satisfying the appropriate conditions of entitlement to that allowance, he made a claim for it within 3 months of the date on which he was notified of the decision on the claim for attendance allowance or mobility allowance.

(4) Any award made by virtue of paragraph (3) shall, notwithstanding section 37ZE(1), be for a period commencing on—

- (a) 6th April 1992; or, if later,
- (b) the date on which he first satisfies the appropriate conditions of entitlement to disability living allowance (other than the need to make a claim for it).

(5) In this regulation, in the expression “decision on the claim”—

- (a) “claim” is the claim referred to in paragraph (1)(a); and
- (b) “decision” is the first decision given on that claim by an adjudicating authority after 2nd February 1992.

(6) This regulation applies to an application made under section 104(2) or 106(1) for a review of a determination as it applies to a claim for benefit but as if the application were the claim and the decision were the decision given on that application.