

SCHEDULES

SCHEDULE 2

Section 4.

DISABILITY LIVING ALLOWANCE AND ATTENDANCE ALLOWANCE: AMENDMENTS

Vehicles (Excise) Act 1971 (c. 10)

- 1 In section 7(2) of the Vehicles (Excise) Act 1971 (exemption from duty of vehicles used by disabled persons) for the words “mobility allowance or” there shall be substituted—
- (a) in the first place where they occur, the words “disability living allowance by virtue of entitlement to the mobility component at the higher rate or”; and
 - (b) in the second place, the words “disability living allowance by virtue of such entitlement or of”.

Tribunals and Inquiries Act 1971 (c. 62)

- 2 (1) In section 7(3) of the Tribunals and Inquiries Act 1971 (chairmen etc.) for “or (c)” there shall be substituted “, (c) or (d)”.
- (2) In Schedule 1 to that Act (tribunals under general supervision of Council on Tribunals) the following paragraph shall be added at the end of the second column of the entry relating to Social Security—
- “(d) disability appeal tribunals constituted under Schedule 10A to that Act.”.

The 1975 Act

- 3 (1) In subsection (2B)(b) (which relates to attendance allowance for the terminally ill) of section 35 of that Act for the words “specified in a certificate issued by virtue of paragraph (a) above” there shall be substituted the words “for which he is entitled to attendance allowance”.
- (2) The following subsection shall be substituted for subsection (3) (weekly rate of attendance allowance) of that section—
- “(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) The words “or is treated as making” shall be inserted after the word “makes” in subsections (4) and (4A).
- (4) At the end of paragraph (a) of subsection (6) there shall be added the words “or section 7 of the Mental Health (Scotland) Act 1984”.

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- 4 In section 37(2) of that Act (invalid care allowance) after the words “attendance allowance” there shall be inserted the words “or a disability living allowance by virtue of entitlement to the care component at the highest or middle rate”.
- 5 In subsection (4) of section 165D of that Act (restrictions on entitlement to benefit in certain cases of error) in the definition of “adjudicating authority”—
- (a) in paragraph (a), after the words “a social security appeal tribunal” there shall be inserted the words “, a disability appeal tribunal”; and
 - (b) in paragraph (b), after the words “the Supplementary Benefits Commission,” there shall be inserted the words “the Attendance Allowance Board,”.

House of Commons Disqualification Act 1975 (c. 24)

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 6 In the House of Commons Disqualification Act 1975 and the Northern Ireland Assembly Disqualification Act 1975, in Part II of Schedule 1 (bodies of which all members are disqualified), there shall be inserted, at the appropriate places in alphabetical order,—

“The Disability Living Allowance Advisory Board”.

House of Commons Disqualification Act 1975

- 7 In the House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices) in—
- (a) the entry beginning “A member of a panel appointed under section 7 of the Tribunals and Inquiries Act 1971”;
 - (b) the entry beginning “A regional or other full-time Chairman”; and
 - (c) the entry for the President of Social Security Appeal Tribunals and Medical Appeal Tribunals,
- for the words “and Medical Appeal Tribunals” there shall be substituted the words “, Medical Appeal Tribunals and Disability Appeal Tribunals”.

Social Security (Miscellaneous Provisions) Act 1977 (c. 5)

- 8 In section 13(1) of the Social Security (Miscellaneous Provisions) Act 1977 (mobility allowances for certain persons eligible for invalid carriages) for the words from “section 37A” to the end there shall be substituted the words “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.”.

Capital Gains Tax Act 1979 (c. 14)

- 9 (1) In sub-paragraph (1) of paragraph 5 of Schedule 1 to the Capital Gains Tax Act 1979 (application of provisions about reliefs in relation to property held on trust for disabled persons) after the words “attendance allowance” there shall be inserted the words “or of a disability living allowance by virtue of entitlement to the care component at the highest or middle rate”.

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- (2) In sub-paragraph (2) of that paragraph after the words “Ireland) Act 1975” there shall be inserted the words “and “a disability living allowance” means a disability living allowance under section 37ZA of the Social Security Act 1975”.

Social Security Act 1980 (c. 30)

- 10 At the end of subsection (2) of section 17 of the Social Security Act 1980 (proof of decisions of statutory authorities) there shall be added the words “and a disability appeal tribunal appointed under Schedule 10A to that Act”.

- 11 The following sub-paragraphs shall be substituted for paragraph 12(3) of Part II of Schedule 3 to that Act (regulations not requiring prior submission to Social Security Advisory Committee)—

“(3) Regulations contained in a statutory rule which states that the regulations relate only to matters which in accordance with the said Act of 1975 or any enactment directed to be construed as one with it, have been referred to the Attendance Allowance Board for Northern Ireland.

(4) Regulations under section 37ZB(3) or section 37ZC(10) of the principal Act (under which respectively the rates of the care component and the mobility component of disability living allowance may be prescribed).”.

Transport Act 1982 (c. 49)

- 12 In section 70(2)(a) of the Transport Act 1982 (payments in respect of applicants for exemption from wearing seat belts) after sub-paragraph (i) there shall be inserted—
“(iA) a disability living allowance under section 37ZA of that Act;”.

Value Added Tax Act 1983 (c. 55)

- 13 (1) In item 12 of Group 14 (drugs, medicines, aids for the handicapped) of Schedule 5 (zero-rating) to the Value Added Tax Act 1983 after the words “in receipt of” there shall be inserted the words “a disability living allowance by virtue of entitlement to the mobility component or of”.
- (2) In the seventh note to that Group after the words “item 12” there shall be inserted the words ““disability living allowance” is a disability living allowance within the meaning of section 37ZA of the Social Security Act 1975;” and the words “section 37A of the Social Security Act 1975 or” shall be omitted.

Inheritance Tax Act 1984 (c. 51)

- 14 (1) In section 74(4) of the Inheritance Tax Act 1984 (disabled persons for purposes of provisions about pre-1981 trusts for disabled persons) after paragraph (b) there shall be inserted “, or
(c) is in receipt of a disability living allowance under section 37ZA of the Social Security Act 1975 by virtue of entitlement to the care component at the highest or middle rate.”.
- (2) In section 89(4) of that Act (disabled persons for purposes of provisions about other trusts for disabled persons) after paragraph (b) there shall be inserted “, or

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- (c) in receipt of a disability living allowance under section 37ZA of the Social Security Act 1975 by virtue of entitlement to the care component at the highest or middle rate.”.

The 1986 Act

- 15 The words “(other than attendance allowance and disability living allowance)” shall be inserted—
- (a) in section 52(3) of the 1986 Act (adjudication as to income-related benefits) after the words “benefit under that Act”; and
- (b) at the end of paragraph 4(1) of Schedule 7 to that Act (adjudication as to certain former benefits).
- 16 In section 63 of that Act (annual up-rating of benefits)—
- (a) the following paragraph shall be inserted after subsection (1)(a)—
- “(aa) specified in regulations under section 37ZB(3) or 37ZC(10) of the Social Security Act 1975;” and
- (b) in subsection (3)(b), after “or (iv),” there shall be inserted “(aa),”.
- 17 In Schedule 6 to that Act (Christmas bonus for pensioners), in paragraph 1(2), the following paragraph shall be inserted after paragraph (a) of the definition of “attendance allowance”—
- “(aa) a disability living allowance under that Act;”.

Income and Corporation Taxes Act 1988 (c. 1)

- 18 In section 617(1)(a) of the Income and Corporation Taxes Act 1988 (treatment of social security benefits and contributions for tax purposes) after the words “mobility allowance,” there shall be inserted the words “disability living allowance,”.

Social Security Act 1989 (c. 24)

- 19 In Part I of Schedule 2 to the Social Security Act 1989 (persons employed in social security administration or adjudication)—
- (a) in the entry relating to adjudicating bodies, after the words “a social security appeal tribunal;” there shall be inserted—
- “(aa) a disability appeal tribunal;”;
- (b) the following entry shall be inserted after the entry relating to adjudicating bodies—

“The Disability Living Allowance Advisory Board

A member of the Disability Living Allowance Advisory Board.

An officer or servant of that Board.”; and

- (c) in the entry relating to former statutory bodies and officers after the words “National Assistance Board” there shall be inserted—
- “(c) the former Attendance Allowance Board.”.

Capital Allowances Act 1990 (c. 1)

- 20 In section 22(6)(a) of the Capital Allowances Act 1990 (first-year allowances: transitional relief for regional projects) for the words from “mobility” to “or”, in

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the first place where it occurs, there shall be substituted the words “a disability living allowance under the Social Security Act 1975 by virtue of entitlement to the mobility component or of mobility allowance under”.

- 21 In section 36(4)(a) of that Act (definition of “motor car”) for the words from “a mobility” to “or” there shall be substituted the words “a disability living allowance under the Social Security Act 1975 by virtue of entitlement to the mobility component or of mobility allowance under”.

Courts and Legal Services Act 1990 (c. 41)

- 22 In Schedule 11 to the Courts and Legal Services Act 1990 (judges etc barred from legal practice) the following entry shall be substituted for the entry beginning “President of Social Security Appeal Tribunals”—

“President of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals or regional or other full-time chairman of such tribunals”.