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 S T A T U T O R Y I N S T R U M E N T S
 

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**1983 No. 1186****SOCIAL SECURITY****The Mobility Allowance Amendment Regulations 1983**

<i>Made</i> - - - - -	<i>2nd August 1983</i>
<i>Laid before Parliament</i>	<i>8th August 1983</i>
<i>Coming into Operation</i>	
<i>Except for regulation 2</i>	<i>29th August 1983</i>
<i>Regulation 2</i>	<i>21st November 1983</i>

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 85(1)(a) and 114(1) and (2) of the Social Security Act 1975(a) and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(b) and after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it(c), hereby makes the following regulations:—

*Citation and commencement*

1. These regulations, which may be cited as the Mobility Allowance Amendment Regulations 1983, amend the Mobility Allowance Regulations 1975(d) (hereinafter referred to as “the principal regulations”) and shall come into operation on 29th August 1983 except for regulation 2 which shall come into operation on 21st November 1983.

*Amendment of regulation 8 of the principal regulations*

2. In regulation 8(1) of the principal regulations (cases where mobility allowance not to be payable) for sub-paragraph (b) there shall be substituted the following sub-paragraph:—

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(a) 1975 c. 14, as amended by section 21(1) of, and paragraph 28 of Schedule 4 to, the Child Benefit Act 1975 (c. 61).

(b) 1971 c. 62.

(c) See Social Security Act 1980 (c. 30), section 10(2)(b).

(d) S.I. 1975/1573, as amended by S.I. 1981/1817.

“(b) in respect of which that person has received, or is receiving, any payment—

- (i) by way of grant under the said section 5(2) and Schedule 2 or section 46 towards the costs of running a private car, or
- (ii) of mobility supplement under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(a) or the Personal Injuries (Civilians) Scheme 1983(b), or under the said Order by virtue of the War Pensions (Naval Auxiliary Personnel) Scheme 1964(c), the Pensions (Polish Forces) Scheme 1964(d), the War Pensions (Mercantile Marine) Scheme 1964(e) or an Order of Her Majesty in relation to the Home Guard dated 21st December 1964(f) or 22nd December 1964(g), or in relation to the Ulster Defence Regiment dated 4th January 1971(h),

or any payment out of public funds which the Secretary of State is satisfied is analogous thereto.”

*Amendment of regulation 15 of the principal regulations*

3. In regulation 15(2) of the principal regulations (procedure on receipt of medical practitioner's report) after sub-paragraph (c) there shall be added the words—

“and for the purposes of sub-paragraph (b) above the question specified in regulation 13(1)(c) shall be treated as having been determined adversely to the person in respect of whom the allowance is claimed where it is determined by reference to a period ending on some definite date earlier than the date on which that person will attain the age of 75.”.

Signed by the authority of the Secretary of State for Social Services.

*Rhodes Boyson,*  
Minister of State,  
Department of Health and Social Security.

2nd August 1983.

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- (a) S.I. 1983/883, as amended by S.I. 1983/1116.
  - (b) S.I. 1983/686, as amended by S.I. 1983/1164.
  - (c) S.I. 1964/1985.
  - (d) S.I. 1964/2007, as extended by S.I. 1967/293, 1972/95, 1981/1876.
  - (e) S.I. 1964/2058.
  - (f) Cmnd 2563.
  - (g) Cmnd 2564.
  - (h) Cmnd 4567.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations amend the Mobility Allowance Regulations 1975 (“the principal regulations”).

Regulation 8 of the principal regulations is amended so as to provide that from 21st November 1983 a mobility allowance shall not be payable to persons who are in receipt of mobility supplement to pensions payable in respect of disablement due to service in the armed forces of the Crown, the Polish Forces, the Merchant Navy or the fishing service, the Home Guard or the Ulster Defence Regiment, or disablement due to war injuries sustained by civilians or naval auxiliaries.

Regulation 15 of the principal regulations is amended so as to secure that a determination of an insurance officer to the effect that a person may not be expected to continue to be unable, or virtually unable, to walk until he reaches the age of 75 is treated as a decision which is adverse to the claimant, thereby giving the claimant a right of appeal to a medical board.

SI 1983/1186  
ISBN 0-11-037186-0



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