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STATUTORY INSTRUMENTS

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**1984 No. 1303**

**The Social Security (Severe Disablement Allowance) Regulations 1984**

**PART IV**

**TRANSITIONAL PROVISIONS AND REVOCATIONS**

**Claims made before 29th November 1984**

**18.**—(1) A claim for a severe disablement allowance may be made in writing before 29th November 1984 on a form approved for the purpose by the Secretary of State by any person in relation to whom the appointed day for the coming into force generally of section 11 of and Schedule 4 to the 1984 Act is 29th November 1984<sup>(1)</sup>.

(2) Any claim made in accordance with paragraph (1) may be treated as made for a period commencing on or after 29th November 1984.

(3) A decision which is given before 29th November 1984 awarding a severe disablement allowance on such a claim as is referred to in paragraph (1) of this regulation—

- (a) may award the allowance from a date not before 29th November 1984 on which it appears probable that the requirements for entitlement will be satisfied;
- (b) shall be subject to the condition that those requirements are satisfied on the date from which it is so awarded;

<sup>F1</sup>(c) .....

**Textual Amendments**

- F1** Reg. 18(3)(c) omitted (6.9.1999) by virtue of [The Social Security Act 1998 \(Commencement No. 9, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2422\)](#), reg. 1, [Sch. 5 para. 2](#)

**Claims made before 28th November 1985**

**19.** In relation to any person other than one to whom paragraph (1) of regulation 18 refers that regulation shall have effect, from a day three months before the day appointed<sup>(2)</sup> for the coming into force generally in relation to him of the provisions referred to in that paragraph, as if for each reference to 29th November 1984 there were substituted a reference to the day so appointed.

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(1) See Article 3(4)(a) of the Health and Social Security Act 1984 (Commencement No. 1) Order 1984 (S.I. 1984/1302).  
(2) See Article 3(4)(b) and (c) of that Order.

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## Persons formerly entitled to non-contributory invalidity pension

**20.**—(1) Any person who, immediately before both 10th September 1984 and 29th November 1984 was entitled to a non-contributory invalidity pension shall be entitled for 29th November 1984, and for any subsequent days which together with 29th November 1984 fall within a single [<sup>F2</sup>period of incapacity for work], to a severe disablement allowance whether or not—

- (a) he is disabled for the purposes of section 36 of the Act, or
- (b) 29th November 1984 is appointed for the purposes of section 11 of the 1984 Act in relation to persons of his age,

if he satisfies the other requirements for entitlement to such an allowance.

[<sup>F3</sup>(1A) A woman who—

- (a) would have been entitled to a non-contributory invalidity pension immediately before 29th November 1984, but for the requirement that she be incapable of performing normal household duties (whether or not she made a claim for that pension), and
- (b) has been continuously incapable of work since that date,

shall be entitled to a severe disablement allowance, whether or not she is disabled for the purposes of section 68 of the Social Security Contributions and Benefits Act 1992 and whether or not she has attained the age referred to in subsection (4)(d) of that section, if she satisfies the other requirements for entitlement to that allowance.]

(2) If in the case of any person a day and an earlier day for which he was entitled to a non-contributory invalidity pension fall within a single [<sup>F4</sup>period of incapacity for work]—

- (a) for the purposes of section 36 of the Act he shall be deemed to be disabled on the day first-mentioned whether or not he is suffering from such loss of faculty as is specified in subsection (5) of that section; and
- (b) the condition in section 79(1) of the Act (benefit must be duly claimed) shall be deemed to be satisfied for the purposes of his right to a severe disablement allowance for the day first-mentioned if, but for the passing of the 1984 Act, that condition would have been satisfied for the purposes of his right to a non-contributory invalidity pension for that day.

(3) A person who was entitled to a non-contributory invalidity pension immediately before attaining [<sup>F5</sup>the age of 65] shall be treated for the purposes of regulation 5 as having been entitled to a severe disablement allowance immediately before attaining that age.

(4) A person who was entitled to a non-contributory invalidity pension for any day before 29th November 1984 shall be treated for the purposes of regulation 6 as having been entitled to a severe disablement allowance for that day.

### Textual Amendments

- F2** Words in reg. 20(1) substituted (13.4.1995) by [The Social Security \(Severe Disablement Allowance\) Amendment Regulations 1994 \(S.I. 1994/2947\)](#), regs. 1, **2(7)(a)**
- F3** Reg. 20(1A) inserted (13.1.1994) by [The Social Security \(Severe Disablement Allowance\) Amendment Regulations 1993 \(S.I. 1993/3194\)](#), regs. 1, **2**
- F4** Words in reg. 20(2) substituted (13.4.1995) by [The Social Security \(Severe Disablement Allowance\) Amendment Regulations 1994 \(S.I. 1994/2947\)](#), regs. 1, **2(7)(b)**
- F5** Words in reg. 20(3) substituted (28.10.1994) by [The Social Security \(Severe Disablement Allowance and Invalid Care Allowance\) Amendment Regulations 1994 \(S.I. 1994/2556\)](#), regs. 1, **4(8)**

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## Revocation

**21.** The regulations set out in column (1) of Schedule 3 are revoked to the extent mentioned in column (3) of that Schedule.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg. 3\(1\)\(a\)\(ia\)](#) inserted by [S.I. 1996/30 reg. 11\(a\)](#)