
STATUTORY INSTRUMENTS

1984 No. 1303

The Social Security (Severe Disablement Allowance) Regulations 1984

PART II

MISCELLANEOUS PROVISIONS RELATING TO SEVERE DISABLEMENT ALLOWANCE

Adjudication

10.—(1) For the purposes of section 36(5) (extent of disablement) of the Act, the evidence required that on any day a person suffers or suffered from loss of physical or mental faculty such that the assessed extent of the resulting disablement amounts or amounted to not less than 80 per cent. shall consist of—

- (a) [^{F1}evidence that that day falls within [^{F2}a period when the person is or was entitled to attendance allowance] under section 35(2) of the Act;]
- (b) [^{F3}evidence that on that day he is or was entitled to the care component of disability living allowance at the highest rate prescribed in accordance with section 72(3) and (4) (a) of the Contributions and Benefits Act;]
- (c) evidence that the extent of his disablement on that day has been assessed for the purposes of section 57 of the Act as not less than 80 per cent;
- (d) evidence that that day is or was or is or was later than one in respect of which it has been determined under the Vaccine Damage Payments Act 1979 that he is or was severely disabled as a result of a vaccination against any of the diseases to which that Act applies;
- (e) evidence that the degree of his disablement on that day has been assessed for the purposes of Part III of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 or of Part III of the Personal Injuries (Civilians) Scheme 1983 as not less than 80 per cent;
- (f) evidence that on that day he is or was registered as a blind [^{F5}or partially sighted] person in a register compiled under section 29 of the National Assistance Act 1948;
- [^{F6}(ff) evidence that he has been certified as blind [^{F7}or partially sighted] and that in consequence he is or was registered on that day as blind [^{F7}or partially sighted] in a register maintained by or on behalf of a regional or islands council;]
- (g) evidence that on that day the Secretary of State provides or provided him with an invalid carriage or other vehicle under section 5(2) of the National Health Service Act 1997 or makes or made payments by way of grant to him under paragraph 2 of Schedule 2 to that Act;
- [^{F8}(gg) evidence that on that day the Secretary of State provides or provided him with an invalid carriage or other vehicle under section 46 of the National Health Service (Scotland) Act 1978 or makes or made payments by way of grant to him under that section;]

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(h) evidence that the extent of his disablement on that day has been assessed for the purposes of section 36 of the Act as not less than 80 per cent; or

[^{F9}(hh) subject to paragraph (2B) and during the period referred to in regulation 7(1B), evidence that he has been determined on that day to be a welfare to work beneficiary in accordance with regulation 13A of the Social Security (Incapacity for Work) (General) Regulations 1995;]

(i) such other evidence as satisfies [^{F10}the Secretary of State or, as the case may be, an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998] that he so suffers or suffered.

(2) For the purposes of sub-paragraphs (a) to (h) of paragraph (1) an official record of the [^{F11}Department of Social Security] of any fact specified in those sub-paragraphs shall be sufficient evidence of that fact.

[^{F12}(2A) For the purposes of paragraphs (1)(g) and (1)(gg) “invalid carriage or other vehicle” means a vehicle propelled by petrol engine or by electric power supplied for use on the road and to be controlled by the occupant.]

[^{F13}(2B) Paragraph (1)(hh) shall not apply to a welfare to work beneficiary who, in his immediate past period of incapacity for work within the meaning of regulation 13A of the Social Security (Incapacity for Work) (General) Regulations 1995, was not assessed to be disabled in accordance with section 68(6) of the Contributions and Benefits Act.]

^{F14}(3)

^{F14}(4)

Textual Amendments

- F1** Reg. 10(1)(a) omitted (1.4.1997) by virtue of [The Social Security \(Incapacity for Work and Severe Disablement Allowance\) Amendment Regulations 1997 \(S.I. 1997/1009\)](#), regs. 1, **3(a)** (with reg. 4)
- F2** Words in reg. 10(1)(a) substituted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **9(2)**
- F3** Reg. 10(1)(b) substituted (1.4.1997) by [The Social Security \(Incapacity for Work and Severe Disablement Allowance\) Amendment Regulations 1997 \(S.I. 1997/1009\)](#), regs. 1, **3(b)** (with reg. 4)
- F4** Reg. 10(1)(b)(i) substituted (6.4.1992) by [The Disability Living Allowance and Disability Working Allowance \(Consequential Provisions\) Regulations 1991 \(S.I. 1991/2742\)](#), regs. 1(1), **9(3)**
- F5** Words in reg. 10(1)(f) deleted (1.4.1997) by [The Social Security \(Incapacity for Work and Severe Disablement Allowance\) Amendment Regulations 1997 \(S.I. 1997/1009\)](#), regs. 1, **3(c)** (with reg. 4)
- F6** Reg. 10(1)(ff) inserted (8.12.1986) by [The Social Security \(Severe Disablement Allowance\) Amendment Regulations 1986 \(S.I. 1986/1933\)](#), regs. 1, **2(3)**
- F7** Words in reg. 10(1)(ff) deleted (1.4.1997) by [The Social Security \(Incapacity for Work and Severe Disablement Allowance\) Amendment Regulations 1997 \(S.I. 1997/1009\)](#), regs. 1, **3(d)** (with reg. 4)
- F8** Reg. 10(1)(gg) inserted (8.12.1986) by [The Social Security \(Severe Disablement Allowance\) Amendment Regulations 1986 \(S.I. 1986/1933\)](#), regs. 1, **2(3)**
- F9** Reg. 10(1)(hh) inserted (5.10.1998) by [The Social Security \(Welfare to Work\) Regulations 1998 \(S.I. 1998/2231\)](#), regs. 1, **5(3)(a)**
- F10** Words in reg. 10(1)(i) substituted (6.9.1999) by [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. 1(a)**
- F11** Words in reg. 10(2) substituted (28.11.1988) by [The Transfer of Functions \(Health and Social Security\) Order 1988 \(S.I. 1988/1843\)](#), arts. 1(3), **3(4)**
- F12** Reg. 10(2A) inserted (8.12.1986) by [The Exempt Charities \(No. 3\) Order 1996 \(S.I. 1996/1933\)](#), regs. 1, **2(3)**

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- F13** Reg. 10(2B) inserted (5.10.1998) by [The Social Security \(Welfare to Work\) Regulations 1998 \(S.I. 1998/2231\)](#), regs. 1, **5(3)(b)**
- F14** Reg. 10(3)(4) 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. 1(b)**

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Changes and effects yet to be applied to :

- reg.10(1)(a) revoked by [S.I. 1997/1009 reg.3\(a\)](#)
- reg.10(1)(b) substituted by [S.I. 1997/1009 reg.3\(b\)](#)
- reg.10(1)(f)(ff) rev.in pt. by [S.I. 1997/1009 reg.3\(c\)\(d\)](#)

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\(a\)](#)