

1987 No. 1426

**SOCIAL SECURITY**

**The Social Security (Attendance Allowance) Amendment  
Regulations 1987**

*Made* - - - - - *6th August 1987*  
*Laid before Parliament* *10th August 1987*  
*Coming into force* - *31st August 1987*

The Secretary of State for Social Services, in exercise of the powers conferred on him by section 35(2A) and (5A) of the Social Security Act 1975(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations which relate only to matters which, in accordance with that Act, have been referred to the Attendance Allowance Board;

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Attendance Allowance) Amendment Regulations 1987 and shall come into force on 31st August 1987.

**Amendment of the Social Security (Attendance Allowance) (No.2) Regulations 1975**

2. The Social Security (Attendance Allowance) (No.2) Regulations 1975(b) shall be amended in the following manner—

(a) in regulation 5B (dialysis prescribed for purpose of a person's satisfying one of the conditions for an allowance) after paragraph (2) the following paragraph shall be added—

“(3) Persons suffering from renal failure to whom this regulation applies include any person undergoing treatment by way of renal dialysis as an out-patient in a hospital or institution treated as a hospital, being treatment under the National Health Service Act 1977(c) or under the National Health Service (Scotland) Act 1978(d), where the attention or supervision required in respect of that treatment is not provided by a member of the staff of that hospital or institution.”.

(b) at the beginning of regulation 5C(1) (persons dialysing as NHS out-patients deemed not to satisfy conditions for an allowance), for the words “This regulation” there shall be substituted the words “Except in cases to which regulation 5B(3) applies, this regulation”.

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(a) 1975 c.14; subsections (2A) and (5A) were inserted in section 35 by the Social Security Act 1977 (c.18), section 2(3) and 2(6) respectively. See definition of “Regulations” in Schedule 20.  
(b) S.I. 1975/598; relevant amending instrument is S.I. 1979/375.  
(c) 1977 c.49.  
(d) 1978 c.29.

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

6th August 1987

*Nicholas Scott*  
Minister of State,  
Department of Health and Social Security

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Attendance Allowance) (No.2) Regulations 1975 so that where a person undergoes renal dialysis as an out-patient at a National Health Service hospital or institution, he may be entitled to attendance allowance on account of that treatment provided the attention he requires during the treatment is not provided by a member of the staff of that hospital or institution. These Regulations having been referred to the Attendance Allowance Board are exempted by paragraph 12(3) of Schedule 3 to the Social Security Act 1980 (c.30) from the requirement under section 10 of that Act, to refer proposals to the Social Security Advisory Committee and are made without reference to that Committee.

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