
STATUTORY INSTRUMENTS

1991 No. 2742

The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991

Amendment of the Income Support Regulations

11.—(1) The Income Support Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation) after the definition of “Crown tenant” there shall be inserted the following definitions—

““disability living allowance” means a disability living allowance under section 37ZA of the Social Security Act ^{M1};

“disability working allowance” means a disability working allowance under section 20 of the Act ^{M2}.”

(3) In Schedule 1 (persons not required to be available for employment), in paragraph 4 ^{M3}—

(a) in sub-paragraph (1)(a)(i) after the words “Social Security Act” there shall be inserted the words “ or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act ”;

(b) after head (ii) of sub-paragraph (1)(a)(ii) there shall be added the following head—

“(iii) the person being cared for has claimed entitlement to a disability living allowance but only for the period up to the date of determination of that claim, or the period of 26 weeks from the date of that claim, whichever date is the earlier; or”.

(4) In Schedule 2 (applicable amounts)—

(a) in paragraph 7(2) ^{M4} at the end after the words “attendance allowance” there shall be added the words “ , or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act. ”;

(b) in paragraph 12(1)(a)(i) ^{M5} for the words “mobility allowance” there shall be substituted the words “ disability living allowance, disability working allowance ”;

(c) in paragraph 12(1)(c) ^{M6}, for (i) there shall be substituted the following—

“(i) invalidity pension under section 15 of the Social Security Act when entitlement to that benefit ceased on account of the payment of a retirement pension under the Social Security Act and the claimant has since remained continuously entitled to income support and, if the invalidity pension was payable to his partner, the partner is still alive; or”;

(d) in paragraph 12(1)(c)(ii), for the words from “which is no longer in payment” to “Regulations 1975” there shall be substituted the words “ or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 82(6)(b) of the Social Security Act 1975 ^{M7}, ”.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) in paragraph 13(2)(a)(i), (b)(i), (3)(a) and (3A)(a) ^{M8} after the words “attendance allowance” in each place there shall be inserted the words “, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act”;
- (f) in paragraph 14(b) for the words “attendance allowance or mobility allowance or both” there shall be substituted the words “disability living allowance”;
- (g) in paragraph 14ZA(2)(b) ^{M9} after the words “attendance allowance” there shall be inserted the words “, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 37ZB(3) of the Social Security Act”.
- (5) In Schedule 4 (applicable amounts of persons in residential care and nursing homes) in paragraph 6, for head (b) of sub-paragraph (2) there shall be substituted the following head—
- “(b) he—
- (i) is in receipt of attendance allowance at the higher rate in accordance with section 35(3) of the Social Security Act, or the care component of disability living allowance at the highest rate prescribed in accordance with section 37ZB(3) of the Social Security Act, or
- (ii) has made a claim for attendance allowance or disability living allowance and, in respect of that claim, a decision has been made that he satisfies the conditions for receipt of either attendance allowance at the higher rate in accordance with section 35(3) of the Social Security Act ^{M10}, or the care component of disability living allowance at the highest rate prescribed in accordance with section 37ZB(3) of the Social Security Act, but he has not yet completed the qualifying period for that benefit; or”.
- (6) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 6 after the words “mobility allowance” there shall be inserted the words “ or the mobility component of disability living allowance”;
- (b) in paragraph 7(a) for the words “paragraph 6 or 9” there shall be substituted the words “ paragraph 6, 9 or 9A ”;
- (c) after paragraph 9 there shall be inserted the following paragraph—
- “**9A.** Any care component of disability living allowance where the claimant does not live in a residential care or nursing home or where he lives in a residential care or nursing home and he is a person to whom Part II of Schedule 4 applies (persons to whom regulation 19 does not apply).”
- (7) In Schedule 10 (capital to be disregarded) in paragraph 7(a) for the reference “8 or 9” there shall be substituted the reference “8, 9 or 9A”.

Marginal Citations

- M1** 1975 c. 14; section 37ZA was inserted by the Disability Living Allowance and Disability Working Allowance Act 1991 (c.21), **section 1(2)**.
- M2** 1986 c.50; section 20 was amended by the Local Government Finance Act 1988 (c.41), **Schedule 10**, paragraph 2(2) and the Disability Living Allowance and Disability Working Allowance Act 1991 (c.21), **section 6**.
- M3** Paragraph 4 of Schedule 1 was substituted by S.I. 1991/1559.
- M4** Paragraph 7(2) of Schedule 2 was added by S.I. 1990/1776.
- M5** Paragraph 12(1)(a)(i) of Schedule 2 was amended by S.I. 1988/663.
- M6** Paragraph 12(1)(c)(i) of Schedule 2 was amended by S.I. 1989/534.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

M7 1975 c.14.

M8 Paragraph 13(3A) of Schedule 2 was inserted by S.I. 1988/663.

M9 Paragraph 14ZA of Schedule 2 was inserted by S.I. 1990/1776 and amended by S.I. 1991/1559.

M10 1975 c.14. Section 35(3) was amended by the Social Security Act 1979 (c.18), **section 2(4)**.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 11(3) revoked by [S.I. 1996/206 reg. 28Sch. 3](#)