
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations contained in this instrument are consequential upon the introduction of disability living allowance by section 1 of the Disability Living Allowance and Disability Working Allowance Act 1991 (c.21) (“the 1991 Act”). The instrument is made before the end of the period of 6 months beginning with the coming into force of section 1; the regulations in it are therefore exempted by section 61(5) of the Social Security Act 1986 (c.50) (as amended by the Social Security Act 1989 (c.24), Schedule 8, paragraph 12(3)) from the requirement under section 10 of the Social Security Act 1980 (c.30) to refer the proposals to the Social Security Advisory Committee and are made without reference to that Committee.

Section 1 of the 1991 Act provides for the introduction of a new benefit to be known as disability living allowance, consisting of two components, the care component and the mobility component. Part I of these Regulations contains provisions relating to citation, commencement and interpretation.

Part II contains provisions which relate to both components of disability living allowance. Regulation 2 sets out the conditions as to residence and presence in Great Britain which a person must satisfy to qualify for disability living allowance. Regulation 3 and Schedule 1 contain provisions relating to those aged 65 or over and regulation 4 sets out the rates at which benefit is payable. Regulation 5 relates to late claims by persons who were previously entitled to disability living allowance.

Part III relates only to the care component of disability living allowance. Regulation 6 specifies the qualifying period for those whose entitlement to the care component has been interrupted. Regulation 7 relates specifically to those undergoing renal dialysis. Regulations 8 to 10 impose restrictions on the payment of benefit where the person is accommodated in a hospital or is in certain accommodation where the cost is or may be met out of public or local funds.

Part IV relates only to the mobility component of disability living allowance. Regulation 11 relates to the qualifying period for the mobility component where entitlement has been interrupted. Regulation 12 specifies circumstances in which a person is to be treated as unable or virtually unable to walk. It also sets out the circumstances in which a person is to be taken to be blind and deaf, or severely mentally impaired. Regulation 13 and Schedule 2 provides for entitlement to the mobility component of certain persons eligible for invalid carriages.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Disability Living Allowance) Regulations 1991.