

STATUTORY INSTRUMENTS

1991 No. 2890

The Social Security (Disability Living Allowance) Regulations 1991

PART IV

MOBILITY COMPONENT

Qualifying period for mobility component after an interval

11. The period prescribed for the purposes of [^{F1}section 73](9)(a)(ii) of the Act is a period of 3 months ending on the day on which the person was last entitled to the mobility component [^{F2}of disability living allowance, or the mobility component of child disability payment] or to mobility allowance, where that day falls not more than 2 years before the date on which entitlement to the mobility component [^{F3}of disability living allowance, or the mobility component of child disability payment] would begin or would have begun but for any regulations made under [^{F4}section 5(1)(k) of the Administration Act] (which enables regulations to provide for the day on which entitlement to benefit is to begin or end).

Textual Amendments

- F1** Words in reg. 11 substituted (26.8.1993) by [The Social Security \(Disability Living Allowance\) \(Amendment\) Regulations 1993 \(S.I. 1993/1939\)](#) , regs. 1(1) , **2(5)**
- F2** Words in reg. 11 inserted (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\)](#), arts. 1(2), **4(4)(a)**
- F3** Words in reg. 11 inserted (21.3.2022) by [The Social Security \(Disability Assistance for Working Age People\) \(Consequential Amendments\) Order 2022 \(S.I. 2022/177\)](#), arts. 1(2), **4(4)(b)**
- F4** Words in reg. 11 substituted (26.8.1993) by [The Social Security \(Disability Living Allowance\) \(Amendment\) Regulations 1993 \(S.I. 1993/1939\)](#) , regs. 1(1) , **2(7)**

Entitlement to the mobility component

^{F5}**12.**—(1) A person is to be taken to satisfy the conditions mentioned in [^{F6}section 73](1)(a) of the Act (unable or virtually unable to walk) only in the following circumstances—

- (a) his physical condition as a whole is such that, without having regard to circumstances peculiar to that person as to the place of residence or as to place of, or nature of, employment—
- (i) he is unable to walk; or
- (ii) his ability to walk out of doors is so limited, as regards the distance over which or the speed at which or the length of time for which or the manner in which he can make progress on foot without severe discomfort, that he is virtually unable to walk; or

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- (iii) the exertion required to walk would constitute a danger to his life or would be likely to lead to a serious deterioration in his health; or
- (b) he has both legs amputated at levels which are either through or above the ankle, or he has one leg so amputated and is without the other leg, or is without both legs to the same extent as if it, or they, had been so amputated.
- (a) ^{F5}(1A) (a) For the purposes of section 73(1AB)(a) of the Act (mobility component for the severely visually impaired) a person is to be taken to satisfy the condition that he has a severe visual impairment if—
 - (i) he has visual acuity, with appropriate corrective lenses if necessary, of less than 3/60; or
 - (ii) he has visual acuity of 3/60 or more, but less than 6/60, with appropriate corrective lenses if necessary, a complete loss of peripheral visual field and a central visual field of no more than 10° in total.
- (b) For the purposes of section 73(1AB)(b), the conditions are that he has been certified as severely sight impaired or blind by a consultant ophthalmologist.
- (c) In this paragraph—
 - (i) references to visual acuity are to be read as references to the combined visual acuity of both eyes in cases where a person has both eyes;
 - (ii) references to measurements of visual acuity are references to visual acuity measured on the Snellen Scale;
 - (iii) references to visual field are to be read as references to the combined visual field of both eyes in cases where a person has both eyes.]
- (2) For the purposes of ^{F6}section 73](2)(a) of the Act (mobility component for the blind and deaf) a person is to be taken to satisfy—
 - (a) the condition that he is blind only where the degree of disablement resulting from the loss of vision amounts to 100 per cent; and
 - (b) the condition that he is deaf only where the degree of disablement resulting from loss of hearing^{F7}when using any artificial aid which he habitually uses or which is suitable in his case] amounts to not less than 80 per cent on a scale where 100 per cent represents absolute deafness.
- (3) For the purposes of ^{F6}section 73](2)(b) of the Act, the conditions are that by reason of the combined effects of the person's blindness and deafness, he is unable, without the assistance of another person, to walk to any intended or required destination while out of doors.
- (4) Except in a case to which paragraph (1)(b) applies, a person is to be taken not to satisfy the conditions mentioned in ^{F6}section 73](1)(a) of the Act if he—
 - (a) is not unable or virtually unable to walk with a prosthesis or artificial aid which he habitually wears or uses, or
 - (b) would not be unable or virtually unable to walk if he wore or used a prosthesis or an artificial aid which is suitable in his case.
- (5) A person falls within subsection (3)(a) of ^{F6}section 73] of the Act (severely mentally impaired) if he suffers from a state of arrested development or incomplete physical development of the brain, which results in severe impairment of intelligence and social functioning.
- (6) A person falls within subsection (3)(b) of ^{F6}section 73] of the Act (severe behavioural problems) if he exhibits disruptive behaviour which—
 - (a) is extreme,

- (b) regularly requires another person to intervene and physically restrain him in order to prevent him causing physical injury to himself or another, or damage to property, and
- (c) is so unpredictable that he requires another person to be present and watching over him whenever he is awake.

[^{F8}(7) For the purposes of section 73(1)(d) of the Act, a person who is able to walk is to be taken not to satisfy the condition of being so severely disabled physically or mentally that he cannot take advantage of the faculty out of doors without guidance or supervision from another person most of the time if he does not take advantage of the faculty in such circumstances because of fear or anxiety.

- (8) Paragraph (7) shall not apply where the fear or anxiety is—
 - (a) a symptom of a mental disability; and
 - (b) so severe as to prevent the person from taking advantage of the faculty in such circumstances.]

Textual Amendments

- F5** Reg. 12(1A) inserted (15.10.2010 for specified purposes, 11.4.2011 in so far as not already in force) by [The Social Security \(Disability Living Allowance\) \(Amendment\) Regulations 2010 \(S.I. 2010/1651\)](#), regs. 1(2), **2(2)**
- F6** Words in reg. 12 substituted (26.8.1993) by [The Social Security \(Disability Living Allowance\) \(Amendment\) Regulations 1993 \(S.I. 1993/1939\)](#) , regs. 1(1) , **2(5)**
- F7** Words in reg. 12(2)(b) inserted (1.8.94) by S.I. 1994/1779, **reg. 3(5)**, reg 1
- F8** Reg. 12(7) - Reg. 12(8) added (8.4.2002) by [Social Security \(Disability Living Allowance\) \(Amendment\) Regulations 2002 \(S.I. 2002/648\)](#), regs. 1, **2**

[^{F9}Hospitalisation [^{F10}of persons aged 18 or over] in mobility component cases

12A.—(1) Subject to [^{F11}paragraph (3) and] regulation 12B (exemption), it shall be a condition for the receipt of a disability living allowance which is attributable to entitlement to the mobility component for any period in respect of any person that during that period he is not maintained free of charge while undergoing medical or other treatment as an in-patient—

- (a) in a hospital or similar institution under [^{F12}the NHS Act of 1978, the NHS Act of 2006 or the NHS (Wales) Act of 2006]; or
- (b) in a hospital or other similar institution maintained or administered by the Defence Council.

(2) For the purposes of paragraph (1)(a) a person shall only be regarded as not being maintained free of charge in a hospital or similar institution during any period when his accommodation and services are provided under section 65—

- [^{F13}(a) section 57 of, and paragraph 14 of Schedule 7A to, the NHS Act of 1978;
- (b) section 13 of, and paragraph 15 of Schedule 2 to, the NHS Act of 2006;
- (c) section 28 of, and paragraph 11 of Schedule 6 to, the NHS Act of 2006;
- (d) section 44(6) of, and paragraph 19(1) of Schedule 4 to, the NHS Act of 2006;
- (e) section 11 of, and paragraph 15 of Schedule 2 to, the NHS (Wales) Act of 2006;
- (f) section 18 of, and paragraph 19(1) of Schedule 3 to, the NHS (Wales) Act of 2006; or
- (g) section 22 of, and paragraph 11 of Schedule 5 to, the NHS (Wales) Act of 2006.]

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^{F14}(2A) For the purposes of paragraph (1), a period during which a person is maintained free of charge while undergoing medical or other treatment as an in-patient shall be deemed to begin on the day after the day on which he enters a hospital or other similar institution referred to in that paragraph and to end on the day [^{F15}before the day] on which he leaves such a hospital or other similar institution.]

[
^{F16}(3) This regulation does not apply to a person who was under the age of 18 on the day on which he entered the hospital or other similar institution referred to in paragraph (1) to begin his current period as an in-patient.]

Textual Amendments

- F9** Reg. 12A to 12C inserted (31.7.96) by S.I. 1996/1436 reg. 1, 2
- F10** Words in reg. 12A inserted (29.6.2016) by The Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations 2016 (S.I. 2016/556), regs. 1(2), **2(4)(a)**
- F11** Words in reg. 12A(1) inserted (29.6.2016) by The Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations 2016 (S.I. 2016/556), regs. 1(2), **2(4)(b)**
- F12** Words in reg. 12A(1)(a) substituted (8.4.2013) by The Social Security (Disability Living Allowance, Attendance Allowance and Carer’s Allowance) (Amendment) Regulations 2013 (S.I. 2013/389), regs. 1(2), **4(10)(a)**
- F13** Regs. 12A(2)(a)-(g) substituted (8.4.2013) by The Social Security (Disability Living Allowance, Attendance Allowance and Carer’s Allowance) (Amendment) Regulations 2013 (S.I. 2013/389), regs. 1(2), **4(10)(b)**
- F14** Reg. 12A(2A) inserted (7.6.99) by S.I. 1999/1326 reg. 1,4
- F15** Words in reg. 12A(2A) inserted (19.6.2000) by The Social Security (Attendance Allowance and Disability Living Allowance) (Amendment) Regulations 2000 (S.I. 2000/1401), regs. 1, **3(2)**
- F16** Reg. 12A(3) added (29.6.2016) by The Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations 2016 (S.I. 2016/556), regs. 1(2), **2(4)(c)**

Exemption from regulation 12A

12B.—(1) Subject to paragraph (2), regulation 12A shall not apply to a person—

- (a) for the first 28 days; ^{F17}
- (b)

of any period throughout which he is a person to whom paragraph (10) applies.

(2) Where, on the day on which a person’s entitlement to the mobility component commences, he is a person to whom paragraph (10) applies, paragraph (1) shall not apply to him for any period of consecutive days, beginning with that day, in which he continues to be a person to whom paragraph (10) applies.

(3) For the purposes of paragraphs [^{F18}(1), (4), (7), (8) and (8A)], two or more distinct periods separated by an interval not exceeding 28 days, or by two or more such intervals, shall be treated as a continuous period equal in duration to the total of such distinct periods and ending on the last day of the later or last such period.

(4) Subject to paragraph (5) and regulation 12C, where—

- (a) immediately before 31st July 1996, a person has, for a continuous period of not less than 365 days, been a person to whom paragraph (10) applies and in receipt of the mobility component and on 31st July 1996 is a person to whom that paragraph applies; or

- (b) on a day not more than 28 days prior to 31st July 1996, a person has, for a continuous period of not less than 365 days, been a person to whom paragraph (10) applies and in receipt of the mobility component, and on or after 31st July 1996 and not more than 28 days after the last day of the previous distinct period during which that paragraph applies, becomes a person to whom that paragraph again applies,

regulation 12A shall not apply until such time as paragraph (10) first ceases to apply to him for more than 28 consecutive days.

(5) Paragraph (4) shall not apply where on 31st July 1996 a person is detained under Part II or III of the Mental Health Act 1983 or [^{F19}Part 5, 6 or 7 or section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 or section 52D or 52M of the Criminal Procedure (Scotland) Act 1995]

(6) Where, on a day after 31st July 1996, a person—

- (a) becomes detained under Part II or III of the Mental Health Act 1983 or [^{F20}Part 5, 6 or 7 or section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 or section 52D or 52M of the Criminal Procedure (Scotland) Act 1995] ; or
- (b) ceases to be entitled to the mobility component,

paragraph (4) shall cease to be applicable to that person and shall not again become applicable to him.

[^{F21}(7) Subject to regulation 12C, where on 8th April 2013, paragraph (10) applies to a person and a Motability agreement entered into by or on behalf of that person is in force, regulation 12A shall, for the period following that referred to in paragraph (1)(a) ^{F22} ..., continue not to apply to that person for the period that terminates in accordance with paragraph (8).]

[^{F23}(8) The period referred to in paragraph (7) terminates-

- (a) on the first day after 8th April 2013 on which paragraph (10) first ceases to apply to the person for more than 28 consecutive days;
- (b) in accordance with paragraph (8A); or
- (c) on 8th April 2016;

whichever is the earliest.]

[
^{F24}(8A) The period referred to in paragraph (8)(b) terminates—

- (a) in the case of the hire of a vehicle—
 - (i) where the vehicle is returned to the owner before the expiration of the current term of hire, on the date that the vehicle is returned to the owner;
 - (ii) where the vehicle is returned to the owner at the expiration of the current term of hire, on expiry of the current term of hire;
 - (iii) where the vehicle is retained with the owner's consent by or on behalf of the person after the expiration of the current term of hire, on expiry of the current term of hire;
 - (iv) where the vehicle is retained otherwise than with the owner's consent by or on behalf of the person after the expiration of the current term of hire, on expiry of the current term of hire; or
 - (v) where the vehicle is retained otherwise than with the owner's consent by or on behalf of the person after the date of an early termination of the current term of hire, on the date of that early termination; and
- (b) in the case of a hire-purchase agreement—
 - (i) on the purchase of the vehicle;

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- (ii) where the vehicle is returned to the owner under the terms of the agreement before the completion of the purchase, on the date that the vehicle is returned to the owner; or
- (iii) where the vehicle is repossessed by the owner under the terms of the agreement before the completion of the purchase, on the date of repossession.]

[^{F25}(8B) In paragraph (8A)(a) the “current term of hire” means the last term of hire that was agreed on or before 8th April 2013 but does not include any extension of that last term of hire after 8th April 2013.]

^{F26}(9)

[^{F27}(9A) Regulation 12A shall not apply in the case of a person who is residing in a hospice and is terminally ill where the Secretary of State has been informed that he is terminally ill—

- (a) on a claim for disability living allowance;
- (b) on an application for a [^{F28} revision under section 9 of the 1998 Act or supersession under section 10 of that Act] of an award of disability living allowance; or
- (c) in writing in connection with an award of, or a claim for, or an application for [^{F29} revision under section 9 of the 1998 Act or supersession under section 10 of that Act] of an award of, disability living allowance.]

(10) This paragraph refers to a person who is undergoing medical or other treatment in a hospital or other institution in any of the circumstances referred to in regulation 12A.

(11) For the purposes of paragraph (4), receipt of mobility allowance prior to 6th April 1992 shall be treated as receipt of the mobility component.

(12) In this regulation—

[“hospice” has the same meaning as that given in paragraph (7) of regulation 10;]
^{F30}(za)

- (a) “Motability agreement” means an agreement such as is referred to in regulation 44(1) of the Social Security (Claims and Payments) Regulations 1987 (payment of disability living allowance on behalf of a beneficiary in settlement of liability for payments under an agreement for the hire or hire-purchase of a vehicle);
- (b) “Motability” means the company, set up under that name as a charity and originally incorporated under the Companies Act 1985 and subsequently incorporated by Royal Charter.

Textual Amendments

- F9** Reg. 12A to 12C inserted (31.7.96) by S.I. 1996/1436 reg. 1, 2
- F17** Reg. 12B(1)(b) omitted (29.6.2016) by virtue of The Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations 2016 (S.I. 2016/556), regs. 1(2), **2(5)(a)**
- F18** Words in reg. 12B(3) substituted (8.4.2013) by The Social Security (Disability Living Allowance, Attendance Allowance and Carers Allowance) (Amendment) Regulations 2013 (S.I. 2013/389), regs. 1(2), **4(11)(a)**
- F19** Words in reg. 12B(5) substituted (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(1), **Sch. 2 para. 13(3)**
- F20** Words in reg. 12B(6)(a) substituted (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(1), **Sch. 2 para. 13(3)**

- F21** Reg. 12B(7) substituted (8.4.2013) by The Social Security (Disability Living Allowance, Attendance Allowance and Carers Allowance) (Amendment) Regulations 2013 (S.I. 2013/389), regs. 1(2), **4(11)(b)**
- F22** Words in reg. 12B(7) omitted (29.6.2016) by virtue of The Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations 2016 (S.I. 2016/556), regs. 1(2), **2(5)(b)**
- F23** Reg. 12B(8) substituted (8.4.2013) by The Social Security (Disability Living Allowance, Attendance Allowance and Carers Allowance) (Amendment) Regulations 2013 (S.I. 2013/389), regs. 1(2), **4(11)(c)**
- F24** Reg. 12B(8A) inserted (8.4.2013) by The Social Security (Disability Living Allowance, Attendance Allowance and Carers Allowance) (Amendment) Regulations 2013 (S.I. 2013/389), regs. 1(2), **4(11)(d)**
- F25** Reg. 12B(8B) inserted (8.4.2013) by The Social Security (Disability Living Allowance, Attendance Allowance and Carers Allowance) (Amendment) Regulations 2013 (S.I. 2013/389), regs. 1(2), **4(11)(e)**
- F26** Reg. 12B(9) omitted (8.4.2013) by virtue of The Social Security (Disability Living Allowance, Attendance Allowance and Carers Allowance) (Amendment) Regulations 2013 (S.I. 2013/389), regs. 1(2), **4(11)(f)**
- F27** Reg. 12B(9A) inserted (31.7.96) by S.I. 1996/1767 reg. 2(2), reg. 1
- F28** Words in reg. 12B(9A) (b) substituted (18.10.99) by S.I. 1999/2860, **sch.7 para. 4**, reg. 1
- F29** Words in reg. 12B(9A) (c) substituted (18.10.99) by S.I. 1999/2860, **sch.7 para. 4**, reg. 1
- F30** Reg. 12B(12)(za) inserted (31.7.96) by S.I. 1996/1767 reg. 2(3), reg. 1

Adjustment of benefit to certain persons exempted from regulation 12A

12C.—(1) Subject to paragraph (3), where a person is a person to whom regulation 12B(4) applies and the mobility component would otherwise be payable at the higher rate prescribed by regulation 4(2)(a), the benefit shall be adjusted so that it is payable at the lower rate prescribed by regulation 4(2)(b).

(2) Subject to paragraph (3), where regulation 12B(7) applies, the benefit shall be adjusted so that it is payable at a rate equal to the weekly amount payable under the relevant agreement for the period referred to in that regulation.

(3) Where paragraphs (4) and (7) of regulation 12B both apply, the benefit shall be adjusted so that it is payable either at the lower rate prescribed by regulation 4(2)(b) or at a rate equal to the weekly amount payable under the relevant agreement referred to in regulation 12B(7), whichever is the greater.]

Textual Amendments

- F9** Reg. 12A to 12C inserted (31.7.96) by S.I. 1996/1436 reg. 1, 2

Invalid Vehicle Scheme

13. Schedule 2, which relates to the entitlement to mobility component of certain persons eligible for invalid carriages shall have effect.

Status:

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Changes to legislation:

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