
STATUTORY INSTRUMENTS

1991 No. 2890

**The Social Security (Disability
Living Allowance) Regulations 1991**

PART II

GENERAL

Late claim by a person previously entitled

5.—(1) Notwithstanding section 37ZE(1) of the Act (no entitlement to disability living allowance for any day before a claim is made), where—

- (a) a person's entitlement to disability living allowance has ended, and
- (b) that person makes or is treated as making a claim for disability living allowance after the entitlement has ended but within a period of 6 months immediately following the day on which it ended,

then the person shall, subject to satisfying any other conditions of entitlement, be entitled to the care component for any day on or after 6th April 1992 on which he satisfies the conditions specified in paragraph (2)(a) and to the mobility component for any day on or after that day on which he satisfies the conditions specified in paragraph (2)(b).

(2) Those conditions are—

- (a) where the person is entitled on the claim for disability living allowance to the care component, that—
 - (i) the previous entitlement was to the care component,
 - (ii) that entitlement ended within 6 months of the claim being made,
 - (iii) throughout the period beginning with the day following the day on which the previous entitlement ended and ending on the day the claim was made, he satisfied the conditions of entitlement to the care component specified in paragraph (a), (b) or (c) of subsection (1) of section 37ZB of the Act; and
 - (iv) the day in question falls within that period,
- (b) where he is entitled on the claim for disability living allowance to the mobility component, that—
 - (i) the previous entitlement was to the mobility component,
 - (ii) that entitlement ended within 6 months of the claim being made,
 - (iii) throughout the period beginning with the day following the day on which the previous entitlement ended and ending on the day the claim was made he satisfied the conditions of entitlement to the mobility component specified in paragraph (a), (b), (c) or (d) of subsection (1) of section 37ZC of the Act, and
 - (iv) the day in question falls within that period.

(3) Where a person has been entitled for any period before 6th April 1992 to attendance allowance or mobility allowance, then—

- (a) the reference in paragraph (1)(a) to entitlement to disability living allowance includes also a reference to entitlement to attendance allowance or mobility allowance; and
- (b) the reference in paragraph (2)(a)(i) to entitlement to the care component includes also a reference to entitlement to attendance allowance and the reference in paragraph (2)(b)(i) to entitlement to the mobility component includes also a reference to entitlement to mobility allowance.