
STATUTORY INSTRUMENTS

1995 No. 2162

SOCIAL SECURITY

The Social Security (Attendance and Disability Living Allowances) Amendment Regulations 1995

Made - - - - *18th August 1995*
Laid before Parliament *24th August 1995*
Coming into force - - *14th September 1995*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 67(2) and 72(8) of the Social Security Contributions and Benefits Act 1992(1), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make the Regulations need not be referred to it(2), hereby makes the following Regulations:

Citation and commencement

1. These Regulations, which may be cited as the Social Security (Attendance and Disability Living Allowances) Amendment Regulations 1995, shall come into force on 14th September 1995.

Amendment of the Social Security (Attendance Allowance) Regulations 1991

2.—(1) The Social Security (Attendance Allowance) Regulations 1991(3) are amended in accordance with the following provisions of this regulation.

(2) In paragraph (3) of regulation 7, in sub-paragraph (a), after the words “section 65 of the Housing Act 1985” there are inserted the words “or section 31 of the Housing (Scotland) Act 1987”.(4).

(3) In paragraph (4) of regulation 7, after the words “registration is required under” there shall be inserted the words “Part IV of the Social Work (Scotland) Act 1968 or”(5).

(4) In paragraph 1(a) of the Schedule, after the words “registered under the” there are inserted the words “Social Work (Scotland) Act 1968 or the”.

(1) 1992 c. 4.

(2) See section 173(1) of the Social Security Administration Act 1992 (c. 5).

(3) S.I. 1991/2740. The relevant amending instruments are S.I. 1993/518 and 1994/1779.

(4) 1987 c. 26.

(5) 1968 c. 49.

Amendment of the Social Security (Disability Living Allowance) Regulations 1991

3.—(1) The Social Security (Disability Living Allowance) Regulations 1991⁽⁶⁾ are amended in accordance with the following provisions of this regulation.

(2) In paragraph (1A) of regulation 9—

- (a) in sub-paragraph (a), after the words “section 100 of the Education Act 1944” there are inserted the words “or section 73 of the Education (Scotland) Act 1980”⁽⁷⁾;
- (b) in sub-paragraph (b), at the end there are added the words “or sections 49 or 73 of the Education (Scotland) Act 1980 (which relate respectively to the power of local authorities to assist persons to take advantage of educational facilities and the power of the Secretary of State to make grants to education authorities and others)”;
- (c) in sub-paragraph (c), at the end there are added the words “or sections 4 or 40 of the Further and Higher Education (Scotland) Act 1992⁽⁸⁾ (which relate respectively to the funding of further education and the administration of funds)”.

(3) In paragraph (2) of regulation 9—

- (a) in head (i) of sub-paragraph (b), at the end there are added the words “to whom section 12 of the Social Work (Scotland) Act 1968 applies, or”;
- (b) in head (ii) of that sub-paragraph, after the words “the Act of 1989 (disability)” there are inserted the words “or section 12 of the Social Work (Scotland) Act 1968”;
- (c) in sub-paragraph (c) of that paragraph, at the end there are added the words “or section 65G of the Education (Scotland) Act 1980”⁽⁹⁾.

(4) In paragraph (4) of regulation 9, in sub-paragraph (b), after the words “section 65 of the Housing Act 1985” there are inserted the words “or section 31 of the Housing (Scotland) Act 1987”.

(5) In paragraph (7) of regulation 9, after the words “registration is required under” there shall be inserted the words “Part IV of the Social Work (Scotland) Act 1968”.

(6) In paragraph 1 of Schedule 3, in sub-paragraph (a), after the words “registered under the” there are inserted the words “Social Work (Scotland) Act 1968 or the”.

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

18th August 1995

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

⁽⁶⁾ S.I. 1991/2890. The relevant amending instruments are S.I. 1992/633, 2869 and 3147, 1993/518 and 1939 and 1994/1779.

⁽⁷⁾ 1980 c. 44.

⁽⁸⁾ 1992 c. 37.

⁽⁹⁾ Section 65G was inserted by section 71(2) of the Self-Governing Schools etc. (Scotland) Act 1989 (c. 39).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 7 of, and the Schedule to, the Social Security (Attendance Allowance) Regulations 1991 and regulation 9 of, and Schedule 3 to, the Social Security (Disability Living Allowance) Regulations 1991, which apply to Great Britain, contain references to legislation which has effect only in relation to England and Wales. These Regulations amend those Regulations so as to insert references to the corresponding legislation having effect in Scotland.

These Regulations do not impose any costs on business.