
S T A T U T O R Y I N S T R U M E N T S

2000 No. 2313

SOCIAL SECURITY

The Social Security (Attendance Allowance and Disability Living Allowance) (Amendment) (No. 2) Regulations 2000

<i>Made</i> - - - - -	<i>29th August 2000</i>
<i>Laid before Parliament</i>	<i>4th September 2000</i>
<i>Coming into force</i> - -	<i>25th September 2000</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 64(4), 72(7), 122(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it(b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Attendance Allowance and Disability Living Allowance) (Amendment) (No. 2) Regulations 2000 and shall come into force on 25th September 2000.

Amendment of the Social Security (Attendance Allowance) Regulations 1991

2. After regulation 8B of the Social Security (Attendance Allowance) Regulations 1991(c) (exemption from regulation 8A) there shall be inserted the following regulation—

“Prescribed circumstance for entitlement

8BA. For the purposes of section 64(4) of the Social Security Contributions and Benefits Act 1992 (prescribed circumstances in which a person is to be taken to satisfy or not to satisfy the conditions mentioned in section 64(2) and (3) of that Act), a person shall not be taken to satisfy subsection (2)(a) (day attention) or (3)(a) (night attention) unless the attention the severely disabled person requires from another person is required to be given in the physical presence of the severely disabled person.”

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

3. After regulation 10B of the Social Security (Disability Living Allowance) Regulations 1991(d) (exemption from regulation 10A) there shall be inserted the following regulation—

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- (a) 1992 c. 4; section 64(4) was added by section 66(1) of the Welfare Reform and Pensions Act 1999 (c. 30), section 122(1) is cited because of the meaning ascribed to the word “prescribe” and section 175 was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).
- (b) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).
- (c) S.I. 1991/2740. Regulation 8B was inserted by S.I. 1994/1779.
- (d) S.I. 1991/2890. Regulation 10B was inserted by S.I. 1994/1779.

“Prescribed circumstance for entitlement to the care component

10C. For the purposes of section 72(7) of the Act (prescribed circumstances in which a person is to be taken to satisfy or not to satisfy the conditions mentioned in section 72(1)(a) to (c) of that Act), a person shall not be taken to satisfy subsection (1)(a)(i) or (b)(i) (day attention) or (c)(i) (night attention) unless the attention the severely disabled person requires from another person is required to be given in the physical presence of the severely disabled person.”.

29th August 2000

A. Darling
Secretary of State for Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Attendance Allowance) Regulations 1991 and the Social Security (Disability Living Allowance) Regulations 1991.

Sections 64(4) and 72(7) of the Social Security Contributions and Benefits Act 1992 make provision for circumstances to be prescribed, for attendance allowance and disability living allowance (care component) respectively, in which a person may be taken to satisfy or not to satisfy the conditions for entitlement to the benefit. These Regulations prescribe such a circumstance, that is a person will be taken to satisfy the condition of attention for entitlement to attendance allowance or disability living allowance (care component) only where such attention is required to be given in the presence of the severely disabled person.

These Regulations do not impose a charge on business.

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