Draft Order laid before Parliament under section 11 of the Public Bodies Act 2011, for approval by resolution of each House of Parliament after the expiry of the 40-day period referred to in section 11(4) of that Act.

DRAFT STATUTORY INSTRUMENTS

2013 No.

PUBLIC BODIES

The Public Bodies (Abolition of the Disability Living Allowance Advisory Board) Order 2013

Made - - - - [***]

Coming into force in accordance with article 1(2) and (3)

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 1(1), 6(1) and (5) and 35(2) of the Public Bodies Act 2011(**a**) ("the Act").

In accordance with section 8 of the Act, the Secretary of State considers that this Order—

(a) serves the purpose of improving the exercise of public functions, having had regard to the factors set out in section 8(1); and

(b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The Secretary of State has consulted in accordance with section 10 of the Act.

A draft of this Order, and an explanatory document containing the information required by section 11(2) of the Act, have been laid before Parliament in accordance with section 11(1) after the end of the period of twelve weeks mentioned in section 11(3). In accordance with section 11(4) of the Act, the draft of this Order has been approved by a resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

Citation and commencement

1.—(1) This Order may be cited as the Public Bodies (Abolition of the Disability Living Allowance Advisory Board) Order 2013.

(2) Subject to paragraph (3), this Order comes into force on the day after the day on which it is made.

(**a**) 2011 c.24.

(3) Article 6 comes into force on the day after that on which the other provisions of this Order come into force by virtue of paragraph (2).

Extent

2.—(1) The repeals, revocations and amendments in the Schedule and the repeal in article 6 have the same extent as the enactments so repealed, revoked or amended.

(2) Subject to that, this Order extends to England, Wales and Scotland.

Abolition of the Disability Living Allowance Advisory Board

3. The Disability Living Allowance Advisory Board(**a**) is abolished.

Repeals, revocations and amendments consequential on the abolition of the Board

4. The enactments mentioned in the table in Part 1 of the Schedule are repealed or, as the case may be, amended, to the extent specified in the third column of that table.

5. The enactments mentioned in the table in Part 2 of the Schedule are revoked or, as the case may be, amended, to the extent specified in the third column of that table.

Repeal of reference to the Board in the Public Bodies Act 2011

6. In Schedule 1 to the Public Bodies Act 2011, omit "Disability Living Allowance Advisory Board".

Signed by authority of the Secretary of State for Work and Pensions

Name
Parliamentary Under-Secretary of State
Department for Work and Pensions

Date

SCHEDULE

Repeals, revocations and amendments consequential on the abolition of the Disability Living Allowance Advisory Board

PART 1

Article 4

Repeals and amendments to primary legislation

Year and chapter number	*Short title*	*Extent of amendment or repeal*
1967 c 13.	Parliamentary Commissioner Act 1967	In Schedule 2, omit "Disability Living Allowance Advisory Board.".
1975 c 24.	House of Commons Disqualification Act 1975	In Part II of Schedule 1, omit "The Disability Living

(**a**) Section 3 of the Disability Living Allowance and Disability Working Allowance Act 1991 (c.21) ("the 1991 Act") which established the Disability Living Allowance Advisory Board ("the Board") was repealed by section 3 of, and Schedule 1 to, the Social Security (Consequential Provisions) Act 1992 (c.6) as from 1st July 1992. On the same day section 175(1) of the Social Security Administration Act 1992 (c.5) ("the Administration Act") came into force. Section 175(1) of the Administration Act provided for the Board to "continue in being" by the same name. Hence, although the constituting provision for the Board was section 3(1) of the 1991 Act, the founding provision for the Board is now deemed to be section 175(1) of the Administration Act.

		Allowance Advisory Board.".
1975 c 25.	Northern Ireland Assembly Disqualification Act 1975	In Part II of Schedule 1, omit "The Disability Living Allowance Advisory Board.".
1992 c 5.	Social Security Administration Act 1992	The heading "The Disability Living Allowance Advisory Board" preceding section 175. Section 175. In section 189– In subsection (4), omit "or 175". In subsection (6), for "sections 14, 24, 130 and 175" substitute "sections 14, 24 and 130"(**a**). In subsection (9), for "sections 80, 154 and 175" substitute "sections 80 and 154". In Part I of Schedule 4, omit the heading "The Disability Living Allowance Advisory Board" and, beneath that heading, omit "A member of the Disability Living Allowance Advisory Board." and omit "An officer or servant of that Board.".
2000 c 36.	Freedom of Information Act 2000	In Part VI of Schedule 1, omit "The Disability Living Allowance Advisory Board.".

PART 2

Article 5

Revocations and amendments to secondary legislation

Year and series number	*Short title*	*Extent of amendment or revocation*
S.I. 1991/1746	Disability Living Allowance Advisory Board Regulations 1991	The Regulations in their entirety.
S.I. 1991/2891.	Social Security (Introduction of Disability Living Allowance) Regulations 1991.	In regulation 24 (Persons claiming mobility allowance), in the parentheses in paragraph (4)(d)(ii) omit "and the Disability Living Allowance Advisory Board".

(**a**) Although the reference in section 189(6) of the Administration Act to section 24 of that Act was repealed by section 86(1) and (2) of, and paragraph 109 of Schedule 7 to, and Schedule 8 to, the Social Security Act 1998 (c.14), that reference to section 24 of the Administration Act remains in force for certain purposes.

S.I. 1995/311.	Social Security (Incapacity for Work) (General) Regulations 1995.	In regulation 2(1) (Interpretation), omit the definition of "the Disability Living Allowance Advisory Board". In regulation 17 (Exempt work), omit paragraph (7)(a)(**a**).
S.I. 2006/5.	Public Contracts Regulations 2006.	In Schedule 1 under the heading "Department for Work and Pensions", omit "Disability Living Allowance Advisory Board".
S.I. 2008/794.	Employment and Support Allowance Regulations 2008.	In Part 7, omit paragraph (2)(b)(i) of regulation 40.
S.S.I. 2012/88.	Public Contracts (Scotland) Regulations 2012.	In Schedule 1 under the heading "Department for Work and Pensions", omit "Disability Living Allowance Advisory Board".

EXPLANATORY NOTE

(This note is not part of the Order)

The Disability Living Allowance Advisory Board ("the Board") was constituted under section 3(1) of the Disability Living Allowance and Disability Working Allowance Act 1991. That section was repealed by section 3(1) of, and Schedule 1 to, the Social Security (Consequential Provisions) Act 1992. At the same time, section 175 of the Social Security Administration Act 1992 ("the Administration Act") came into force. The effect of section 175 was to continue the Board in being by the same name. The founding provision for the Board is therefore now deemed to be section 175(1) of the Administration Act.

The constitution, function and powers of the Board are prescribed by regulations made under section 175(2) of the Administration Act (the Disability Living Allowance Advisory Board Regulations 1991 (S.I.1991/1746)) ("the 1991 Regulations").

Section 1(1) of the Public Bodies Act 2011 (c.24) allows a Minister of the Crown by order, to abolish a body or office specified in Schedule 1 to that Act. That Schedule includes the Board.

Accordingly–

(a) article 3 of this Order abolishes the Board;

(b) article 4 and Part 1 of the Schedule repeal section 175 of the Administration Act and remove references to the Board in primary legislation; and

(c) article 5 and Part 2 of the Schedule revoke the 1991 Regulations and remove references to the Board in secondary legislation.

(**a**) In paragraph 7 of regulation 17, the words "Duties undertaken on either one full day or two half days a week" were substituted by S.I. 2008/2365 regulation 4(1) and (2)(b). Paragraph 7(b) of regulation 17 was substituted by S.I. 2008/2683, article 6(1), Schedule 1, paragraph 66.

An impact assessment has not been prepared for this Order as it has no direct effect on the costs of the private sector and civil society organisations.

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