STATUTORY INSTRUMENTS

1979 No. 172

SOCIAL SECURITY

The Mobility Allowance Amendment Regulations 1979

Made - - - -	*21st February* 1979
Laid before Parliament	*28th February* 1979
Coming into Operation	*21st March* 1979

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 37A(2) and (6) of the Social Security Act 1975(**a**) as amended by section 22 of the Social Security Pensions Act 1975(**b**) and of all other powers enabling him in that behalf, after reference to the National Insurance Advisory Committee, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the Mobility Allowance Amendment Regulations 1979, amend the Mobility Allowance Regulations 1975(**c**) (hereinafter referred to as the "principal regulations") and shall come into operation on 21st March 1979.

Amendment of regulation 3 of the principal regulations

2.—(1) Regulation 3 of the principal regulations (circumstances in which a person is or is not to be treated as suffering from physical disablement such that he is unable or virtually unable to walk) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Schedule hereto.

(2) In the said regulation 3 there shall be inserted immediately after the word "as" in the phrase "as unable to walk or virtually unable to do so" in each place where that phrase occurs, the words "suffering from physical disablement such that he is either".

(3) In paragraph (1) of the said regulation 3 the words "or virtually unable" shall be omitted from sub-paragraph (*a*); the existing sub-paragraph (*b*) shall become sub-paragraph (*c*); and after sub-paragraph (*a*) there shall be inserted the following sub-paragraph:—

> "(*b*) 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".

(**a**) 1975 c. 14. (**b**) 1975 c. 60. (**c**) S.I. 1975/1573.

(4) In paragraph (2) of the said regulation 3 for the words "he is able" there shall be substituted the words "he is not unable or virtually unable" and for the words "he would be able" there shall be substituted the words "he would not be unable or virtually unable".

Amendment of regulation 8 of the principal regulations

3. Regulation 8 of the principal regulations (cases where allowance not to be payable) shall be amended by the insertion, in paragraph (*a*) of that regulation immediately after the words "section 33 of the Health Services and Public Health Act 1968", of the words "which is a vehicle propelled by petrol engine or by electric power supplied for use on the road and to be controlled by the occupant".

David Ennals,
Secretary of State for Social Services.

21st February 1979.

Regulation 2(1) SCHEDULE

Regulation 3 of the Mobility Allowance Regulations 1975 as amended by these regulations.

Circumstances in which, for the purposes of section 37A, a person is or is not to be treated as suffering from physical disablement such that he is unable or virtually unable to walk.

3.—(1) A person shall only be treated, for the purposes of section 37A, as *suffering from physical disablement such that he is either* unable to walk or virtually unable to do so, if his physical condition as a whole is such that, without having regard to circumstances peculiar to that person as to place of residence or as to place of, or nature of employment,—

(*a*) he is unable to walk; or

(*b*) *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*

(*c*) 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.

(2) A person shall not be treated, for the purposes of section 37A, as *suffering from physical disablement such that he is either* unable to walk or virtually unable to do so if *he is not unable or virtually unable* to walk with a prosthesis or an artificial aid which he habitually wears or uses or if *he would not be unable or virtually unable* to walk if he habitually wore or used a prosthesis or an artificial aid which is suitable in his case.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Mobility Allowance Regulations 1975 so as, firstly, to prescribe more precisely the circumstances in which a person is to be treated, for the purposes of the section of the Social Security Act 1975 governing entitlement to mobility allowance, as suffering from physical disablement such that he is virtually unable to walk; and secondly to secure that mobility allowance may be payable to a person who has the use of a vehicle provided by the Secretary of State under section 33 of the Health Services and Public Health Act 1968 (c. 46) where that vehicle is not a power driven road vehicle controlled by the occupant.

Regulation 3 of the 1975 regulations, as amended by these Regulations is set out in a Schedule to this instrument and the words added by these Regulations are shown in italics.

The report of the National Insurance Advisory Committee dated 24th January 1979 on the draft of these Regulations referred to them is contained in Command Paper (Cmnd No. 7491) published by Her Majesty's Stationery Office.

SI 1979/172
ISBN 0-11-093172-6

