STATUTORY RULES OF NORTHERN IRELAND

2002 No. 97

SOCIAL SECURITY

The Social Security (Disability Living Allowance) (Amendment) Regulations (Northern Ireland) 2002

Made . . . . . 12th March 2002

Coming into operation . . 8th April 2002

The Department for Social Development, in exercise of the powers conferred by sections 73(5) and 171(3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**), and now vested in it(**b**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Disability Living Allowance) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 8th April 2002.

Amendment of the Social Security (Disability Living Allowance) Regulations

2. In regulation 12 of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(**c**) (entitlement to the mobility component) after paragraph (6) there shall be added the following paragraphs—

"(7) For the purposes of section 73(1)(d) a person who is able to walk is to be taken not to satisfy the condition of being so severely disabled physically or mentally that he cannot take advantage of the faculty out of doors without guidance or supervision from another person most of the time if he does not take advantage of the faculty in such circumstances because of fear or anxiety.

(8) Paragraph (7) shall not apply where the fear or anxiety is—

(*a*) a symptom of a mental disability; and

(*b*) so severe as to prevent the person from taking advantage of the faculty in such circumstances.".

(**a**) 1992 c. 7
(**b**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**c**) S.R. 1992 No. 32, to which there are amendments not relevant to these regulations

Sealed with the Official Seal of the Department for Social Development
on 12th March 2002.

(L.S.) *John O'Neill*
Senior Officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992 in relation to the conditions of entitlement to the mobility component of a disability living allowance. They provide that a person does not meet the conditions of section 73(1)(d) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 if the reason he does not take advantage of the faculty of walking out of doors unaccompanied is fear or anxiety. This provision does not apply where the fear or anxiety is a symptom of a mental disability and so severe as to prevent the person from taking advantage of the faculty of walking out of doors unaccompanied.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.

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