1981 No. 407

SOCIAL SECURITY

The Social Security (Mobility Allowance) (Amendment) Regulations (Northern Ireland) 1981

Made . . . . . *18th December 1981*

Coming into operation . . . *13th January 1982*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 37A(5), 79(1) and 114(1) and (2) of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**b**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Mobility Allowance) (Amendment) Regulations (Northern Ireland) 1981 and shall come into operation on 13th January 1982.

(2) In these regulations "the principal regulations" means the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975(**c**).

Cases where allowance not to be payable

2. There shall be substituted for regulation 8 of the principal regulations the following regulation—

"*Cases where allowance not to be payable*

8.—(1) Subject to the provisions of this regulation, an allowance shall not be payable to any person who would otherwise be entitled thereto in respect of any period—

(*a*) during which that person has the use of an invalid carriage or other vehicle provided by the Department under Article 30 of the Health and Personal Social Services (Northern Ireland) Order 1972(**d**) 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; or

(*b*) in respect of which that person has received, or is receiving, any payment by way of grant under the said Article 30 towards the cost of running a private car or any payment out of public funds which the Department is satisfied is analogous thereto.

(2) A person who has notified the Department that he no longer wishes to use such an invalid carriage or other vehicle as is referred to in paragraph (1)(*a*) and has signed an undertaking that he will not use it while it remains in his possession awaiting collection shall be treated, for the purposes of this regulation, as not having the use of that invalid carriage or other vehicle.

(**a**) 1975 c. 15; section 37A was inserted by Article 24(1) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15))
(**b**) 1980 c. 30
(**c**) S.R. 1975 No. 280; the relevant amending regulations are S.R. 1979 No. 47
(**d**) S.I. 1972/1265 (N.I. 14)

(3) Where a person in respect of whom an allowance is claimed for any period has received any such payment as is referred to in paragraph (1)(*b*) for a period which, in whole or in part, covers the period for which the allowance is claimed, such payment shall be treated as an aggregate of equal weekly amounts in respect of each week in the period for which it is made and, where in respect of any such week a person is treated as having a weekly amount so calculated which is less than the weekly rate of allowance specified in paragraph 3A of Part III of Schedule 4 to the Act, any allowance to which that person may be entitled for that week shall be payable at a weekly rate reduced by the weekly amount so calculated.

(4) In a case where the Department has issued a certificate to the effect that it is satisfied—

(*a*) that the person in question either—

(i) has purchased or taken on hire, hire purchase or lease, or

(ii) intends to purchase or take on hire, hire purchase or lease,

a private car or similar vehicle (in this paragraph called "the car") for a consideration which is more than nominal, on or about a date (not being earlier than 13th January 1982) specified in the certificate (in this regulation called "the said date");

(*b*) that that person intends to retain possession of the car at least during, and to learn to drive it within, the period of 6 months or such greater or lesser length of time as may be specified in the certificate (in this regulation called "the said period") beginning on the said date; and

(*c*) that that person will use mobility allowance in whole or in part during the said period towards meeting the expenses of acquiring the car,

paragraph (1)(*a*) shall not apply, and shall be treated as having never applied, during a period beginning on the said date and ending at the end of the said period or (if earlier) the date on which the Department cancels the certificate because that person has parted with possession of the car or for any other reason.".

Miscellaneous amendments

3. In regulations 5(2), 6 and 13(1)(*c*) of the principal regulations, for the expression "pensionable age" there shall be substituted "the age of 75".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 18th December 1981.

(L.S.) *I. M. S. Jordan* (Miss)
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975 (''the principal regulations'').

Regulation 2 reconstructs regulation 8 of the principal regulations and also amends the substance by making provision for an exception to the rule that mobility allowance is not payable to a person while he has the use of an invalid carriage or other road vehicle provided under the Health and Personal Social Services (Northern Ireland) Order 1972: the exceptional case is where there is current a certificate to the effect that the Department is satisfied that the person intends during a specified period to acquire and learn to drive a private car or similar vehicle.

Regulation 3 makes amendments to the principal regulations which are consequential upon those provisions of the Social Security (Northern Ireland) Order 1979 which made mobility allowance payable in some cases up to the age of 75, instead of pensionable age.