1993 No. 338

SOCIAL SECURITY

The Social Security (Introduction of Disability Living Allowance) (Amendment No. 2) Regulations (Northern Ireland) 1993

Made	*29th July 1993*
Coming into operation . .	*6th August 1993*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 5(1)(*j*) of the Social Security Administration (Northern Ireland) Act 1992(**a**) and paragraph 21(1) and (2)(*d*) and (*e*) of Schedule 3 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992(**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 (Introduction of Disability Living Allowance) (Amendment No. 2) Regulations (Northern Ireland) 1993 and shall come into operation on 6th August 1993.

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

2.—(1) The Social Security (Introduction of Disability Living Allowance) Regulations (Northern Ireland) 1992(**c**) shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In regulation 13 (treatment of two awards of disability living allowance)—

(*a*) in paragraph (1) after "then" there shall be inserted ", subject to paragraph (1A),";

(*b*) after paragraph (1) there shall be inserted the following paragraph—

"(1A) Paragraph (1) shall not apply where the two awards referred to in that paragraph are for fixed periods ending on different days.";

(*c*) paragraph (2)(*c*) shall be omitted;

(*d*) after paragraph (2) there shall be inserted the following paragraphs—

"(2A) Where, after 26th December 1993, a person has two awards of disability living allowance for fixed periods ending on

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(**a**) 1992 c. 8
(**b**) 1992 c. 9
(**c**) S.R. 1992 No. 38; relevant amending regulations are S.R. 1993 No. 90

different days, those awards shall terminate on the day the shorter period ends if the adjudication officer has determined that an award for the component corresponding to the award which was for the shorter period should be made—

(*a*) for life; or

(*b*) for a period ending on the day on which the award for the longer period ends.

(2B) A person whose awards of disability living allowance have been terminated by virtue of paragraph (2A) shall be treated, as from the day referred to in that paragraph, as having one award of disability living allowance—

(*a*) where paragraph (2A)(*a*) applies, consisting of one component for life corresponding to the component which was for the shorter period under the terminated award and the other component for a fixed period ending on the day on which the award for that component would have ended but for its termination under paragraph (2A)(*a*), payable at a weekly rate which is the aggregate of the appropriate weekly rate for each of the components until the day on which the award for the fixed period ends, and thereafter at a weekly rate which is the appropriate weekly rate for the component awarded for life;

(*b*) where paragraph (2A)(*b*) applies, consisting of two components both of which are for fixed periods ending on the day on which the period the award for the component corresponding to the component which was for the longer period under the terminated award ends, payable at a weekly rate which is the aggregate of the appropriate weekly rate for each of the components.

(2C) Where, after 26th December 1993, a person has two awards of disability living allowance for fixed periods ending on different days, the adjudication officer shall not make an award following review or make a new award for a period ending on a date after the date on which the award for the longer period ends unless either—

(*a*) both awards are reviewed or made, as the case may be, for a period ending on the same date; or

(*b*) one award is for life.

(2D) Where, after 26th December 1993, a person who had two awards of disability living allowance for fixed periods ending on different days, is awarded two awards of disability living allowance where either—

(*a*) both awards are for fixed periods ending on the same day; or

(*b*) one award is for life and one is for a fixed period,

those awards shall terminate immediately after they are made and the person shall be treated, as from that date, as having one award of disability living allowance consisting of either both components for a