1986 No. 341

SOCIAL SECURITY

The Social Security (Mobility Allowance) (Amendment) Regulations (Northern Ireland) 1986

Made	*19th November 1986*
Coming into operation . . .	*19th November 1986*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 37A and 114(1) of the Social Security (Northern Ireland) Act 1975(**a**) and Articles 52(1)(*b*) to (*e*) and 84(1) of the Social Security (Northern Ireland) Order 1986(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and interpretation

1.—(1) These regulations may be cited as the Social Security (Mobility Allowance) (Amendment) Regulations (Northern Ireland) 1986.

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

(3) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with the following paragraphs.

(2) In paragraph (2) of regulation 4 (entitlement to allowance in respect of weeks before that in which claim is received by the Department) for "3 months" there shall be substituted "6 months".

(3) For regulation 5 (claim and award for period beginning after the date on which the claim is received) there shall be substituted—

"*Claim and award for period beginning after the date the claim is received*

5.—(1) Subject to paragraphs (2) and (3) a claim for an allowance may be made, or treated as made, for a period beginning on such date later than the date on which the claim is received, being a date not more than 3 months after the date on which it is so received as the Department may determine.

(2) In the case of a claim in respect of a child who will attain the age of 5 within the 3 month period, no date earlier than the date of his fifth birthday shall be treated as the date the claim is made.

(3) In the case of a claim for the renewal of an existing award of an allowance, the first day after the ending of the period of the existing award shall be treated as the date the claim is made.

(**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)), and amended by Article 4 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and Article 72(1) to (3) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(**b**) S.I. 1986/1888 (N.I. 18)

(**c**) S.R. 1975 No. 280; the relevant amending regulations are S.R. 1981 No. 407

(**d**) 1954 c. 33 (N.I.)

(4) Where, in accordance with the foregoing provisions of this regulation, a claim is made, or treated as made, for a period beginning after the date on which it is received—

(*a*) the entitlement to an allowance of the person in respect of whom such claim is made shall be determined having regard to the physical disablement to which that person may be expected to be subject at the beginning of the period for which the claim is, or is treated as being, made; and

(*b*) if it appears that the conditions for entitlement to an allowance will be satisfied from the beginning of such period, an allowance may be awarded, payable from that date, subject to the condition that, when the allowance becomes payable, the person in respect of whom such a claim is made satisfies the requirements for entitlement to an allowance for which provision is made in section 37A or in these regulations; and if at any time during the period for which such an award is made, any of those requirements are found not to have been satisfied, the award shall be reviewed.''.

(4) In the heading to regulation 6 (claim received within 3 months after the end of a period for which allowance awarded) for ''3 months'' there shall be substituted ''6 months''.

(5) In regulation 6 for ''3 months'' there shall be substituted ''6 months''.

Amendment of the Social Security (Adjudication) Regulations (Northern Ireland) 1984

3.—(1) The Social Security (Adjudication) Regulations (Northern Ireland) 1984(**a**) shall be amended in accordance with the following paragraphs.

(2) In regulation 53(1) (reference of medical questions for report) for sub-paragraphs (*a*) and (*b*) there shall be substituted the following sub-paragraphs—

''(*a*) whether a person is suffering from physical disablement such that he is unable to walk or virtually unable to do so at the date the claim is received or treated as received or at any subsequent date up to the date the question is determined, and if so, what date;

(*b*) whether such inability or virtual inability to walk is likely to persist for at least 12 months from the date found for the purposes of sub-paragraph (*a*);''.

(3) The following regulations shall be inserted after regulation 53—

''*Date for the determination of the medical questions*

53A. In determining any medical question on a claim for mobility allowance, an adjudication officer, medical board or medical appeal tribunal shall have regard to the physical disablement of the person in respect of whom the claim is made at the date at which the claim is received or treated as received by the Department or, where those questions cannot be determined in that person's favour as at that date, they shall decide whether those questions may be determined in his favour from any subsequent date up to the date the questions are determined.

Reconsideration of entitlement conditions for an allowance

53B. Where the medical questions with respect to a claim for mobility allowance are determined in favour of the person in respect of whom a claim for an allowance has been made, from a date later than the date the claim was received or

(**a**) S.R. 1984 No. 144, to which there are amendments not relevant to these regulations