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)