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STATUTORY INSTRUMENTS

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**1984 No. 1303**

**SOCIAL SECURITY**

**The Social Security (Severe Disablement Allowance) Regulations 1984**

<i>Made</i>	- - - -	<i>15th August 1984</i>
<i>Laid before Parliament</i>		<i>20th August 1984</i>
<i>Coming into Operation</i>		
<i>regulations 1, 2, 10, 17, 18 and 19</i>		<i>10th September 1984</i>
<i>remainder</i>		<i>29th November 1984</i>

The Secretary of State for Social Services, in exercise of the powers set out in Schedule 1 below, and of all other powers enabling him in that behalf, by this instrument, which contains only provisions consequential on section 11 of the Health and Social Security Act 1984 and regulations made under section 36 of the Social Security Act 1975(1), makes the following regulations:—

**PART I**  
**GENERAL**

**Citation and commencement**

1. These regulations may be cited as the Social Security (Severe Disablement Allowance) Regulations 1984 and shall come into operation in the case of regulations 1, 2, 10, 17, 18 and 19 on 10th September 1984, and in the case of the remainder of the regulations on 29th November 1984.

**Interpretation**

2.—(1) In these regulations “the Act” means the Social Security Act 1975, and “the 1984 Act” means the Health and Social Security Act 1984.

(2) Any reference in these regulations to a person's father, mother, son, or daughter includes a reference to his step-father, step-mother, step-son or step-daughter, as the case may be, and a person

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(1) for section 36 as now substituted *see* 1984 c.48, section 11(1).

shall be treated as such a relative if he would be such a relative if some person born illegitimate had been born legitimate.

(3) In determining whether a day falls within a period of interruption of employment, the provisions of section 17(1) of the Act (days for which unemployment, sickness and invalidity benefit are payable) and of any regulations made under section 17(1) and (2) shall have effect for the purposes of severe disablement allowance as they have effect for the purposes of invalidity benefit.

(4) References in regulations 5(b) and 6 to a person being entitled to a severe disablement allowance and in regulation 20 to a person being entitled to a non-contributory invalidity pension include a reference to a person who would be entitled to a payment of such an allowance or, as the case may be, such a pension but for any provision of the Social Security (Overlapping Benefits) Regulations 1979.

(5) Unless the context otherwise requires, any reference in these regulations to a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

## PART II

### MISCELLANEOUS PROVISIONS RELATING TO SEVERE DISABLEMENT ALLOWANCE

#### **Conditions relating to residence and presence**

3.—(1) Subject to the following provisions of this regulation, the prescribed conditions for the purposes of section 36(4)(c) of the Act as to residence and presence in Great Britain in relation to any person in respect of any day shall be—

- (a) that he is present in Great Britain;
- (b) that he has been present in Great Britain for 168 days or more in the 196 days immediately preceding that day; and
- (c) that he has been resident in Great Britain for a period of or periods amounting in the aggregate to—
  - (i) 10 years in the 20 years immediately preceding that day; or
  - (ii) 10 years since his birth if he is under 20 years of age on that day.

(2) For the purposes of paragraph (1)(a) or (b) notwithstanding that on any day a person is absent from Great Britain he shall be treated as though he were present in Great Britain if his absence is by reason only of the fact that on that day—

- (a) he is abroad in his capacity as—
  - (i) a serving member of the forces within the meaning of the definition of “serving member of the forces” in regulation 1(2) of the Social Security (Contributions) Regulations 1979, or
  - (ii) an airman or mariner within the meaning of regulation 81 and regulation 86 respectively of those Regulations; or
- (b) he is in prescribed employment in connection with continental shelf operations within the meaning of regulation 85 of those Regulations; or
- (c) he is living with a person mentioned in sub-paragraph (a)(i) and is the spouse, son, daughter, father, father-in-law, mother or mother-in-law of that person.

(3) Where a person has been entitled to a severe disablement allowance or a non-contributory invalidity pension for any day, the conditions set out in paragraph (1) of this regulation shall not apply to that person in respect of any subsequent day of incapacity for work falling within the same period of interruption of employment.

#### **Circumstances in which a person over pensionable age is to be treated as having been entitled to a severe disablement allowance immediately before attaining that age**

4. A person who has attained pensionable age shall for the purposes of section 36(4)(d) of the Act be treated as having been entitled to a severe disablement allowance immediately before attaining that age if immediately before attaining it—

- (a) he would have satisfied the conditions for entitlement to that allowance or to a non-contributory invalidity pension but for the provisions of the Social Security (Overlapping Benefits) Regulations 1979, or
- (b) he was entitled to a non-contributory invalidity pension.

#### **Severe disablement allowance for persons over retiring age**

5. A person who—

- (a) has attained retiring age; and
- (b) was entitled to a severe disablement allowance immediately before he attained that age,

shall continue to be so entitled notwithstanding that he does not satisfy the conditions specified in subsection (2) or (3) of section 36 of the Act if he satisfies the other requirements for entitlement to such an allowance.

#### **Modification of section 36(2) and (3) of the Act in relation to persons who have previously been entitled to a severe disablement allowance**

6. A person who has previously been entitled to a severe disablement allowance for any day shall be entitled to such an allowance on the relevant day notwithstanding that he does not satisfy—

- (a) in the case of a person who on the earlier day satisfied the conditions specified in section 36(2) of the Act, the conditions specified in subsection (2)(b) of that section; or
- (b) in the case of a person who on the earlier day satisfied the conditions specified in section 36(3) of the Act, the conditions specified in subsection (3)(b) of that section,

if the relevant day and the earlier day fall within the same period of interruption of employment and if he satisfies the other requirements for entitlement to such an allowance.

#### **Days for which persons are to be regarded as incapable of work for the purposes of severe disablement allowance**

7.—(1) Subject to paragraph (3), for the purposes of severe disablement allowance a person shall not be treated as incapable of work for any day unless that day would be a day of incapacity for work under section 17(1)(a) of the Act or regulation 3, 5 or 7(1)(f) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983 (provisions for determining whether a day is one of incapacity for work for the purposes of sickness or invalidity benefit); and in the case of a person who has not attained retiring age, Sunday or the day which would be substituted for Sunday under regulation 4 of the said regulations of 1983 shall (except for the purposes of the requirements of section 36(2) or (3) of the Act as to the period for which a person must have been incapable of work as those apply in the case of a person who has not previously been entitled to severe disablement allowance) not be treated as a day on which that person is incapable of work.

(2) In determining for the purposes of section 36(2) or (3) of the Act whether a person has been incapable of work for a period of not less than 196 consecutive days, a day shall not be treated as a day on which that person was incapable of work if on that day he was undergoing imprisonment or detention in legal custody.

(3) A person who was incapable of work—

(a) for not less than 196 consecutive days commencing on or before he attained the age of 20, and

(b) for not less than 196 consecutive days immediately preceding the relevant day,

but who was capable of work for a period which does not, or for periods which in the aggregate do not, exceed 182 days where that period or those periods occurred

(i) after the 196 days mentioned in sub-paragraph (a) but before the 196 days mentioned in sub-paragraph (b), and

(ii) after he attained the age of 15 years 24 weeks,

shall be treated for the purposes of section 36(2)(b) of the Act, and for that purpose only, as incapable of work on each day within that period or those periods.

#### **Circumstances in which a person is to be treated as receiving full-time education**

8.—(1) A person shall be treated as receiving full-time education for the purposes of severe disablement allowance for any period during which—

(a) he is not less than 16 or more than 19 years of age; and

(b) he attends for not less than 21 hours a week a course of education; so, however, that in calculating the number of hours a week during which he attends that course no account shall be taken of any instruction or tuition which is not suitable for persons of the same age and sex who do not suffer from a physical or mental disability.

(2) In determining the duration of a period of full-time education under paragraph (1), any temporary interruption of that education may be disregarded.

(3) A person over the age of 19 shall be treated as not receiving full-time education.

#### **Disqualification for severe disablement allowance**

9. A person shall be disqualified from receiving a severe disablement allowance for such period not exceeding 6 weeks as may be determined in accordance with sections 97 to 104 of the Act if—

(a) he has become incapable of work through his own misconduct, except that this disqualification shall not apply where the incapacity is due to venereal disease; or

(b) he fails without good cause to comply with a notice in writing given by or on behalf of the Secretary of State requiring him to attend for and to submit himself to medical or other examination on a date not earlier than the third day after the day on which the notice was sent and at a time and place specified in that notice; or

(c) he fails without good cause to attend for, or submit himself to, medical or other treatment; so however that this disqualification shall not apply to any failure to attend for or to submit to vaccination or inoculation of any kind or to a surgical operation, unless the failure is a failure to attend for or to submit to a surgical operation of a minor character, and is unreasonable; or

(d) he fails without good cause to observe any of the following rules of behaviour, namely:—

(i) to refrain from behaviour calculated to retard his recovery, and to answer any reasonable enquiries (not being enquiries relating to medical examination, treatment

- or advice) by the Secretary of State or his officers directed to ascertaining whether he is doing so;
- (ii) not to be absent from his place of residence without leaving word where he may be found;
  - (iii) to do not work for which remuneration is, or would ordinarily be, payable unless it is—
    - (aa) work which is undertaken under medical supervision as part of his treatment while he is a patient in or of a hospital or similar institution, or
    - (bb) work which is not so undertaken and which he has good cause for doing, and from which, in the case of work of either description, his earnings, if any, are ordinarily not more than £23.50 a week.

### Adjudication

**10.**—(1) For the purposes of section 36(5) (extent of disablement) of the Act, the evidence required that on any day a person suffers or suffered from loss of physical or mental faculty such that the assessed extent of the resulting disablement amounts or amounted to not less than 80 per cent. shall consist of—

- (a) evidence that that day falls within the period specified in a certificate issued in respect of him by the Attendance Allowance Board under section 35(2) of the Act;
- (b) evidence that on that day he is or was entitled to—
  - (i) a mobility allowance under section 37A of the Act<sup>(2)</sup>; or
  - (ii) a mobility supplement under article 26A of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983<sup>(3)</sup> or under article 25A of the Personal Injuries (Civilians) Scheme 1983<sup>(4)</sup>;
- (c) evidence that the extent of his disablement on that day has been assessed for the purposes of section 57 of the Act as not less than 80 per cent;
- (d) evidence that that day is or was or is or was later than one in respect of which it has been determined under the Vaccine Damage Payments Act 1979 that he is or was severely disabled as a result of a vaccination against any of the diseases to which that Act applies;
- (e) evidence that the degree of his disablement on that day has been assessed for the purposes of Part III of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 or of Part III of the Personal Injuries (Civilians) Scheme 1983 as not less than 80 per cent;
- (f) evidence that on that day he is or was registered as a blind or partially sighted person in a register compiled under section 29 of the National Assistance Act 1948;
- (g) evidence that on that day the Secretary of State provides or provided him with an invalid carriage or other vehicle under section 5(2) of the National Health Service Act 1997 or makes or made payments by way of grant to him under paragraph 2 of Schedule 2 to that Act;
- (h) evidence that the extent of his disablement on that day has been assessed for the purposes of section 36 of the Act as not less than 80 per cent; or
- (i) such other evidence as satisfies an adjudicating medical authority that he so suffers or suffered.

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<sup>(2)</sup> Section 37A was inserted by section 22 of the Social Security Pensions Act 1975 (c.60).

<sup>(3)</sup> article 26A was inserted by article 4 of S.I. 1983/1116.

<sup>(4)</sup> article 25A was inserted by article 3 of S.I. 1983/1164.

(2) For the purposes of sub-paragraphs (a) to (h) of paragraph (1) an official record of the Department of Health and Social Security of any fact specified in those sub-paragraphs shall be sufficient evidence of that fact.

(3) The disablement questions in relation to severe disablement allowance shall be referred to and determined by an adjudication officer in any case where the Department of Health and Social Security has an official record as specified in paragraph (2).

(4) For the purposes of paragraph (1)(i) “adjudicating medical authority” means an adjudicating medical practitioner, or two or more adjudicating medical practitioners acting as a medical board, or a medical appeal tribunal.

## PART III

### CONSEQUENTIAL AMENDMENT OF REGULATIONS

#### **Consequential amendment of regulations**

**11.** For the words “non-contributory invalidity pension” wherever they occur in any provision mentioned in column 3 of Schedule 2 there shall be substituted the words “severe disablement allowance”.

#### **Amendment of the Social Security (Adjudication) Regulations 1984**

**12.** In regulation 82(1)(b) of the Social Security (Adjudication) Regulations 1984 for the words “or non-contributory invalidity pension” there shall be substituted the words “non-contributory invalidity pension or severe disablement allowance”.

#### **Amendment of the Social Security (Benefit) (Members of the Forces) Regulations 1975**

**13.** In regulation 2 of the Social Security (Benefit) (Members of the Forces) Regulations 1975(5) (unemployment, sickness and invalidity benefit) for the shoulder note and the words in that regulation down to and including “non-contributory invalidity benefit” there shall be substituted the following shoulder note and words:—

**“Unemployment, sickness and invalidity benefit and severe disablement allowance**

**2.** A person shall not be entitled to unemployment benefit, sickness benefit, invalidity benefit or a severe disablement allowance”.

#### **Amendment of the Social Security (Airmen's Benefit) Regulations 1975**

**14.** In regulation 2 of the Social Security (Airmen's Benefit) Regulations 1975(6) (removal of disqualification in the case of airmen for receiving benefit while absent from Great Britain) for the words “invalidity benefit or non-contributory invalidity pension” where they occur in paragraphs (1) and (2) there shall be substituted the words “invalidity benefit or severe disablement allowance”.

#### **Amendment of the Social Security (Mariners' Benefits) Regulations 1975**

**15.—(1)** The Social Security (Mariners' Benefits) Regulations 1975(7) shall be amended in accordance with the following provisions of this regulation.

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(5) the relevant amending instrument is S.I. 1975/1058 .

(6) the relevant amending instrument is S.I. 1975/1058 .

(7) the relevant amending instrument is S.I. 1975/1058 .

(2) In regulation 4 (removal of disqualification for receiving benefit by reason of absence from Great Britain)—

- (a) in paragraph (a) for the words “sickness benefit, invalidity benefit or non-contributory invalidity pension” there shall be substituted the words “sickness benefit, invalidity benefit or severe disablement allowance”;
- (b) in paragraph (b) for the words “unemployment benefit, sickness benefit, invalidity benefit or non-contributory invalidity pension”, there shall be substituted the words “unemployment benefit, sickness benefit, invalidity benefit or severe disablement allowance”.

(3) In regulation 5 (evidence of unemployment or incapacity) for the words “unemployment benefit, sickness benefit, invalidity benefit or non-contributory invalidity pension”, there shall be substituted the words “unemployment benefit, sickness benefit, invalidity benefit or severe disablement allowance”.

(4) In regulation 6(2) (special provisions relating to days of incapacity for work) for the words “sickness benefit, invalidity benefit or non-contributory invalidity pension” there shall be substituted the words “sickness benefit, invalidity benefit or severe disablement allowance”.

#### **Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975**

**16.** In regulation 2(1) of the Social Security Benefit (Persons Abroad) Regulations 1975(8) (modification of the Act in relation to various benefits) for the shoulder note and the words in that regulation down to and including “non-contributory invalidity pension”, there shall be substituted the following shoulder note and words:—

**“Modification of the Act in relation to sickness benefit, invalidity benefit, severe disablement allowance, unemployability supplement and maternity allowance**

2.—(1) A person shall not be disqualified for receiving sickness benefit, invalidity benefit, severe disablement allowance”.

#### **Amendment of the Social Security (Claims and Payments) Regulations 1979**

**17.** In regulation 9 of the Social Security (Claims and Payments) Regulations 1979, after paragraph (5) there shall be inserted the following paragraphs:—

“(6) A claim for a non-contributory invalidity pension may be treated also as a claim for a severe disablement allowance.

(7) A claim for a severe disablement allowance may be treated also as a claim for a non-contributory invalidity pension.”

## PART IV

### TRANSITIONAL PROVISIONS AND REVOCATIONS

#### **Claims made before 29th November 1984**

**18.—**(1) A claim for a severe disablement allowance may be made in writing before 29th November 1984 on a form approved for the purpose by the Secretary of State by any person

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(8) the relevant amending instrument is S.I. 1975/1058 .

in relation to whom the appointed day for the coming into force generally of section 11 of and Schedule 4 to the 1984 Act is 29th November 1984<sup>(9)</sup>.

(2) Any claim made in accordance with paragraph (1) may be treated as made for a period commencing on or after 29th November 1984.

(3) A decision which is given before 29th November 1984 awarding a severe disablement allowance on such a claim as is referred to in paragraph (1) of this regulation—

- (a) may award the allowance from a date not before 29th November 1984 on which it appears probable that the requirements for entitlement will be satisfied;
- (b) shall be subject to the condition that those requirements are satisfied on the date from which it is so awarded;
- (c) may be reviewed if any question arises as to the satisfaction of those requirements.

#### **Claims made before 28th November 1985**

**19.** In relation to any person other than one to whom paragraph (1) of regulation 18 refers that regulation shall have effect, from a day three months before the day appointed<sup>(10)</sup> for the coming into force generally in relation to him of the provisions referred to in that paragraph, as if for each reference to 29th November 1984 there were substituted a reference to the day so appointed.

#### **Persons formerly entitled to non-contributory invalidity pension**

**20.—**(1) Any person who, immediately before both 10th September 1984 and 29th November 1984 was entitled to a non-contributory invalidity pension shall be entitled for 29th November 1984, and for any subsequent days which together with 29th November 1984 fall within a single period of interruption of employment, to a severe disablement allowance whether or not—

- (a) he is disabled for the purposes of section 36 of the Act, or
- (b) 29th November 1984 is appointed for the purposes of section 11 of the 1984 Act in relation to persons of his age,

if he satisfies the other requirements for entitlement to such an allowance.

(2) If in the case of any person a day and an earlier day for which he was entitled to a non-contributory invalidity pension fall within a single period of interruption of employment—

- (a) for the purposes of section 36 of the Act he shall be deemed to be disabled on the day first-mentioned whether or not he is suffering from such loss of faculty as is specified in subsection (5) of that section; and
- (b) the condition in section 79(1) of the Act (benefit must be duly claimed) shall be deemed to be satisfied for the purposes of his right to a severe disablement allowance for the day first-mentioned if, but for the passing of the 1984 Act, that condition would have been satisfied for the purposes of his right to a non-contributory invalidity pension for that day.

(3) A person who was entitled to a non-contributory invalidity pension immediately before attaining retiring age shall be treated for the purposes of regulation 5 as having been entitled to a severe disablement allowance immediately before attaining that age.

(4) A person who was entitled to a non-contributory invalidity pension for any day before 29th November 1984 shall be treated for the purposes of regulation 6 as having been entitled to a severe disablement allowance for that day.

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<sup>(9)</sup> See Article 3(4)(a) of the Health and Social Security Act 1984 (Commencement No. 1) Order 1984 (S.I. 1984/1302).

<sup>(10)</sup> See Article 3(4)(b) and (c) of that Order.



## **Revocation**

**21.** The regulations set out in column (1) of Schedule 3 are revoked to the extent mentioned in column (3) of that Schedule.

Signed by authority of the Secretary of State for Social Services.

15th August 1984

*Rhodes Boyson*  
Minister of State  
Department of Health and Social Security

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## SCHEDULE 1

## PROVISIONS COVERING POWERS EXERCISED IN MAKING THESE REGULATIONS

<i>Column (1)</i> <i>Provision</i>		<i>Column (2)</i> <i>Relevant Amendment</i>
The Social Security Act 1975	3(2)	None.
	36(4) and (7)	The Health and Social Security Act 1984, section 11.
	40(a)	None.
	79(3)	The Social Security and Housing Benefits Act 1982, section 48(5); Schedule 4, paragraph 14(3). The Health and Social Security Act 1984, section 11(2); Schedule 4, paragraph 3.
	80(1)	The Social Security (Miscellaneous Provisions) Act 1977, section 17(2). The Child Benefit Act 1975, section 21(2); Schedule 5, Part I.
	81	None.
	82	None.
	83(1)	None.
	85	The Child Benefit Act 1975, section 21(1); Schedule 4, paragraph 28.
	108(2)	The Health and Social Services and Social Security Adjudications Act 1983, section 25; Schedule 8, paragraph 21(1). The Health and Social Security Act 1984, section 11(2); Schedule 4, paragraph 6.
	115(1)	None.
	119(3)	The Social Security Act 1979, section 21(4); Schedule 3, paragraph 9(a).
	128(2)	None.
	129(1)	None.
	131	None.
	Schedule 13, paragraph 2	None.
	Schedule 20 (definition of “prescribe” and “regulations”)	None.
The Child Benefit Act 1975	17(5)	The Health and Social Security Act 1984, section 11(2); Schedule 4, paragraph 12.

<i>Column (1) Provision</i>		<i>Column (2) Relevant Amendment</i>
The Social Security (Miscellaneous Provisions) Act 1977	22(1)	None.

SCHEDULE 2

Regulation 11

CONSEQUENTIAL AMENDMENTS OF REGULATIONS

<i>Column (1) Citation</i>	<i>Column (2) Statutory Instrument</i>	<i>Column (3) Provision</i>
The Social Security (Hospital In-Patients) Regulations 1975	S.I. 1975/555; the relevant amending instrument is S.I. 1975/1058	Regulation 7(3) (a)(i) and (3) (b)(i)  Schedule 2
The Social Security (Medical Evidence) Regulations 1976	S.I. 1976/615; the relevant amending instrument is S.I. 1982/699 , regulation 2(2)	Regulation 5(1)
The Child Benefit (General) Regulations 1976	S.I. 1976/965; the relevant amending instrument is S.I. 1976/1758 , regulation 3(2)	Regulation 15
The Social Security Benefit (Persons Residing Together) Regulations 1977	S.I. 1977/956	Regulation 2(2)(a)
The Social Security Benefit (Computation of Earnings) Regulations 1978	S.I. 1978/1698	Regulation 1(2)
The Social Security (Overlapping Benefits) Regulations 1979	S.I. 1979/597	Regulation 4(2)(d)  Regulation 12  Regulation 14(2)  Schedule 1, paragraph 4
The Social Security (Claims and Payments) Regulations 1979	S.I. 1979/628; the relevant amending instrument is S.I. 1982/1362 , regulation 2(4)	Regulation 10  Regulation 11(1)(a) and (5),  Regulation 15(1)(h)  Schedule 1, paragraphs 3 and 4  Schedule 2, paragraphs 2 and 2A

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<i>Column (1) Citation</i>	<i>Column (2) Statutory Instrument</i>	<i>Column (3) Provision</i>
		Schedule 3
The Social Security (Widows' Benefit and Retirement Pensions) Regulations 1979	S.I. 1979/642	Regulation 17(1)(f)
The Social Security (General Benefit) Regulations 1982	S.I. 1982/1408	Regulation 2(2)

## SCHEDULE 3

Regulation 21

## REGULATIONS REVOKED

<i>Column (1) Citation</i>	<i>Column (2) Statutory Instrument</i>	<i>Column (3) Extent of Revocation</i>
The Social Security (Non-Contributory Invalidity Pension) Regulations 1975	S.I. 1975/1058	The whole regulations
The Social Security (Non-Contributory Invalidity Pension) Amendment Regulations 1975	S.I. 1975/1166	The whole regulations
The Social Security (Child Benefit Consequential) Regulations 1977	S.I. 1977/342	Regulation 16
The Social Security (Non-Contributory Invalidity Pension) Amendment Regulations 1977	S.I. 1977/1312	The whole regulations
The Social Security (Non-Contributory Invalidity Pension) Amendment Regulations 1978	S.I. 1978/1340	The whole regulations
The Social Security (Non-Contributory Invalidity Pension) Amendment (No.2) Regulations 1978	S.I. 1978/1845	The whole regulations
The Social Security (Claims and Payments) Regulations 1979	S.I. 1979/628	Regulation 11(7), (8) and (9)
The Social Security (Sickness and Invalidity Benefit and Non-Contributory Invalidity Pension) Amendment Regulations 1983	S.I. 1983/1587	Regulation 3

<i>Column (1)</i> <i>Citation</i>	<i>Column (2)</i> <i>Statutory Instrument</i>	<i>Column (3)</i> <i>Extent of Revocation</i>
The Social Security (Non-Contributory Invalidity Pension) Amendment Regulations 1983	S.I. 1983/1683	The whole regulations

### EXPLANATORY NOTE

These regulations contain provisions relating to severe disablement allowance (“allowance”). They are all either made under section 36 of the Social Security Act 1975, as substituted by section 11 of the Health and Social Security Act 1984 (“the 1984 Act”), or are otherwise consequential on section 11. As they are also made earlier than six months from the first day appointed for the coming into force of section 11 (10th September 1984), they are exempted by section 22(1)(b) of the 1984 Act from the requirement under section 10(1) of the Social Security Act 1980 to refer proposals to the Social Security Advisory Committee and are made without reference to that Committee.

Part I of the Regulations relates to their citation, commencement and interpretation.

Part II of the Regulations contains miscellaneous provisions relating to residence and presence in Great Britain conditions (regulation 3); circumstances in which a person over pensionable age (60 in the case of a woman, 65 in the case of a man) is to be treated as having been entitled to the pension before attaining that age ( regulation 4); relaxing conditions for entitlement to an allowance for certain persons over retiring age (65 in the case of a woman, 70 in the case of a man) (regulation 5 ); modification of the requirements of section 36(2) and (3) of the Social Security Act 1975 in the case of a person who has previously been entitled to an allowance ( regulation 6); days for which persons are to be regarded as incapable of work for the purposes of an allowance ( regulation 7); circumstances in which persons are to be treated as receiving full-time education ( regulation 8); disqualification for an allowance for misconduct or failure to undergo medical examination ( regulation 9); and the evidence required to satisfy the adjudication officer in cases referred to and determined by him, and the adjudicating medical authority in other cases, that a person suffers from loss of physical or mental faculty such that the assessed extent of the resulting disablement amounts to not less than 80 per cent.

Part III of the Regulations and Schedule 2 contain minor consequential amendments to other sets of social security regulations.

Part IV contains transitional provisions relating to claims made in advance by persons in respect of whom section 11 of the 1984 Act comes into force on 29th November 1984 ( regulation 18) and by all other persons ( regulation 19); and to persons who were formerly entitled to non-contributory invalidity pension ( regulation 20). Regulation 21 and Schedule 3 contain revocations consequential upon the coming into force of these regulations.