

SCHEDULE 1

Regulation 3

Disability which puts a person at a disadvantage in getting a job

PART I

1. When standing he cannot keep his balance unless he continually holds onto something.
2. Using any crutches, walking frame, walking stick, prosthesis or similar walking aid which he habitually uses, he cannot walk a continuous distance of 100 metres along level ground without stopping or without suffering severe pain.
3. He can use neither of his hands behind his back as in the process of putting on a jacket or of tucking a shirt into trousers.
4. He can extend neither of his arms in front of him so as to shake hands with another person without difficulty.
5. He can put neither of his hands up to his head without difficulty so as to put on a hat.
6. Due to lack of manual dexterity he cannot pick up with each hand a coin which is not more than 2½ centimetres in diameter.
7. He is not able to use his hands or arms to pick up a full jug of 1 litre capacity and pour from it into a cup without difficulty.
8. He can turn neither of his hands sideways through 180 degrees.
9. He is registered as blind or partially sighted in pursuance of arrangements made under section 1(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(1).
10. He cannot see to read 16 point print at a distance greater than 20 centimetres, if appropriate, wearing the glasses he normally uses.
11. He cannot hear a telephone ring when he is in the same room as the telephone, if appropriate, using a hearing aid he normally uses.
12. In a quiet room he has difficulty hearing what someone talking in a loud voice at a distance of 2 metres says, if appropriate, using a hearing aid he normally uses.
13. People who know him well have difficulty in understanding what he says.
14. When a person he knows well speaks to him he has difficulty in understanding what that person says.
15. At least once a year during waking hours he is in a coma or has a fit in which he loses consciousness.
16. He has a mental illness for which he receives regular treatment under the supervision of a medically qualified person.
17. Due to mental disability he is often confused or forgetful.
18. He cannot do the simplest addition and subtraction.
19. Due to mental disability he strikes people or damages property or is unable to form normal social relationships.

(1) 1978 c. 53

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

20. He cannot normally sustain an 8 hour working day or a 5 day working week due to a medical condition or intermittent or continuous severe pain.

PART II

21. Subject to paragraph 24, there is payable to him—

- (a) the highest or middle rate of the care component of disability living allowance;
- (b) the higher rate of the mobility component of disability living allowance;
- (c) an attendance allowance under section 35 of the principal Act⁽²⁾;
- (d) disablement benefit where the extent of the disablement is assessed at not less than 80 per cent. in accordance with section 57 of, and Schedule 8 to, the principal Act⁽³⁾;
- (e) a war pension in respect of which the degree of disablement is certified at not less than 80 per cent.; and for the purposes of this sub-paragraph “war pension” means a war pension in accordance with section 25(4) of the Social Security Act 1989⁽⁴⁾;
- (f) mobility supplement; or
- (g) a benefit corresponding to a benefit mentioned in sub-paragraphs (a) to (f) under any enactment having effect in Great Britain.

22. Subject to paragraph 24, for one or more of the 56 days immediately preceding the date when the initial claim for disability working allowance was made or treated as made, there was payable to him severe disablement allowance or a corresponding benefit under any enactment having effect in Great Britain.

23. Subject to paragraph 24, he has an invalid carriage or other vehicle provided under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁵⁾ or provided by the Secretary of State under section 5(2)(a) of, and Schedule 2 to, the National Health Service Act 1977⁽⁶⁾ or under section 46 of the National Health Service (Scotland) Act 1978⁽⁷⁾.

24. Paragraphs 21 to 23 are subject to the condition that no evidence is before the adjudication officer which gives him reasonable grounds for believing that in respect of an initial claim, none of the paragraphs in Part I or III of this Schedule apply to the claimant and in respect of a repeat claim, none of the paragraphs in Part I apply to the claimant.

PART III

25. As a result of an illness or accident he is undergoing a period of habilitation or rehabilitation.

(2) 1975 c. 15; section 35 was amended by Article 3 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)), paragraph 8 of Schedule 1 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), Article 3 of the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)), paragraph 5 of Schedule 8 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)), Article 3(1) and (2) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)) and Article 4(1) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991

(3) Section 57 was amended by Article 32(2) of the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)), paragraph 3 of Schedule 3 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and paragraph 11 of Schedule 7 to the Social Security (Northern Ireland) Order 1989

(4) 1989 c. 24

(5) S.I. 1972/1265 (N.I. 14)

(6) 1977 c. 49

(7) 1978 c. 29