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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Attendance Allowance) (No. 2) Regulations 1975, the Mobility Allowance Regulations 1975, the Mobility Allowance (Vehicle Scheme Beneficiaries) Regulations 1977, the Social Security Benefit (Computation of Earnings) Regulations 1978, the Social Security (Claims and Payments) Regulations 1987, the Housing Benefit (General) Regulations 1987, the Community Charge Benefits (General) Regulations 1989 and the Social Security (Refunds) (Repayments of Contractual Maternity Pay) Regulations 1990.

The amendment to the Social Security (Attendance Allowance) (No. 2) Regulations 1975 ensures that attendance allowance remains payable in respect of the first 28 days of a beneficiary's stay in hospital or accommodation specified in the Schedule to those Regulations (regulation 2).

The Mobility Allowance (Vehicle Scheme Beneficiaries) Regulations 1977 are amended in the following respects—

(1) regulation 6 is amended to take account of the increase of the age limit for mobility allowance from 75 to 80 (regulation 4(2)); and

(2) the references in regulation 6 to the Social Security (Adjudication) Regulations 1984 are updated to refer to the Social Security (Adjudication) Regulations 1986 (regulation 4(3)).

The Social Security Benefit (Computation of Earnings) Regulations 1978 are amended so as to provide—

(1) for the disregard of the first £1000, for the purposes of child dependency increase earnings rules, of a Christmas bonus paid by an employer (regulation 5); and

(2) that those earnings of a spouse or partner of a beneficiary which are not immediately ascertainable are to be calculated in accordance with regulation 5 for the purposes of determining a person's earnings under child dependency increase rules (regulation 6).

The Social Security (Claims and Payments) Regulations 1987 are amended as follows—

(1) where a person has been entitled to sickness benefit and medical evidence shows that his incapacity will continue, no claim for invalidity pension is required (regulation 7);

(2) regulation 4 is amended to enable claims for benefit to be received other than at an office of the Department of Social Security or the Department of Employment (regulation 8);

(3) regulation 24 is amended to include severe disablement allowance in those benefits which may be paid in arrears at intervals of 4 weeks where the weekly amount of the benefit is less than £100 (regulation 10);

(4) where a person has died and that person would have been entitled to reduced earnings allowance or disablement benefit before his death had a claim for it been made, then the time limit for application to the Secretary of State for an appointment to make a claim on behalf of the deceased is extended to a period of 6 months beginning with the issue of the death certificate (regulation 11);

(5) regulation 40 which deals with claims received within 6 months after the end of a period for which mobility allowance is awarded, is amended to take account of the increase of the age limit for mobility allowance from 75 to 80 (regulation 12);

(6) regulation 44 is amended to take account of the change in status of the Motability organisation from a public company to a society incorporated by Royal Charter (regulation 13);

**Changes to legislation:** *The Social Security (Miscellaneous Provisions) Amendment Regulations 1990 is up to date with all changes known to be in force on or before 09 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) Schedule 1 is amended to enable a claim for widow's benefit to be treated in the alternative as a claim for a retirement pension of any category or graduated retirement benefit (regulation 14);

(8) Schedule 7 is amended to ensure that when a person returns to hospital and that change constitutes a change of circumstances, the change in circumstances affecting his benefit is treated as having taken place from the day after his return and provision is made for anticipated changes of circumstances following a review under section 104(bb) of the Social Security Act 1975 (regulation 15);

(9) Schedule 9, paragraph 6 is amended to provide for the inclusion of reconnection charges in fuel costs (regulation 16(2)); and

(10) Schedule 9, paragraph 8 is amended to include water charges in the maximum amount which may be deducted from benefit and paid to a third party without the consent of the beneficiary (regulation 16(3)).

The Regulations further provide that where a person has made a claim to income support, housing benefit or community charge benefit because of changes in the capital limit relevant to the particular benefit, any claim made before 27th May 1990 shall be treated as made on a date no later than 5th December 1990 (regulations 9, 17 and 18).

Regulation 19 amends regulation 3 of the Social Security (Refunds) (Repayment of Contractual Maternity Pay) Regulations 1990 so that any deduction from the amount of contributions refundable is limited to deductions of amounts paid by way of contributory benefit which would not have been paid had any of the refundable contributions not been originally paid.

Minor amendments of a drafting nature are also made.

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**Changes and effects yet to be applied to :**

- regs.56 revoked by [S.I. 1996/2745 reg.18Sch.4](#)