

2010 No. 332

SOCIAL SECURITY

**The Social Security (Disability Living Allowance)
(Amendment) Regulations (Northern Ireland) 2010**

Made - - - - *23rd September 2010*

Coming into operation in accordance with regulation 1

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 73(1AB) and 171(1) to (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and Articles 2(2) and 74(1) and (3) of the Social Security (Northern Ireland) Order 1998(b) and now vested in it(c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Disability Living Allowance) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation—

- (a) for the purposes of assessing claims and making decisions on eligibility, on 15th October 2010; and
- (b) for all other purposes, on 11th April 2011.

(2) The Interpretation Act 1978(d) shall apply to these Regulations as it applies to an Act of the United Kingdom Parliament.

Amendment of regulation 12 of the Social Security (Disability Living Allowance) Regulations

2. After regulation 12(1) of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(e) insert—

“(1A) For the purposes of section 73(1AB)(a) (mobility component for the severely visually impaired) a person is to be taken to satisfy the condition that he has a severe visual impairment if—

- (a) he has visual acuity, with appropriate corrective lenses if necessary, of less than 3/60; or

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- (a) 1992 c. 7; section 73(1AB) was inserted by section 13(4) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.)), section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21) and section 171(2) was amended by paragraph 28(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
 - (b) S.I. 1998/1506 (N.I. 10); *see* paragraph (d) of the definition of “health care professional” in Article 2(2); Article 2(2) was amended by section 55(2) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and Article 74(1) was amended by paragraph 17(2) of Schedule 4 to the Tax Credits Act 2002
 - (c) *See* Article 8(b) of S.R. 1999 No. 481
 - (d) 1978 c. 30
 - (e) S.R. 1992 No. 32

- (b) he has visual acuity of 3/60 or more, but less than 6/60, with appropriate corrective lenses if necessary, a complete loss of peripheral visual field and a central visual field of no more than 10 degrees in total.

(1B) For the purposes of section 73(1AB)(b), the conditions are that he has been certified as severely sight impaired or blind by a consultant ophthalmologist.

(1C) For the purposes of paragraph (1A)—

- (a) references to visual acuity are to be read as references to the combined visual acuity of both eyes in cases where a person has both eyes;
- (b) references to measurements of visual acuity are references to visual acuity measured on the Snellen Scale; and
- (c) references to visual field are to be read as references to the combined visual field of both eyes in cases where a person has both eyes.”.

Health care professionals

3. For the purposes of the definition of “health care professional” in Article 2(2) of the Social Security (Northern Ireland) Order 1998 (interpretation), in relation to a claim for disability living allowance to which section 73(1AB) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 applies, the following persons are health care professionals—

- (a) an optometrist registered with the General Optical Council;
- (b) an orthoptist registered with the Health Professions Council.

Sealed with the Official Seal of the Department for Social Development on 23rd September 2010

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations extend the higher rate of the mobility component of disability living allowance to certain severely visually impaired people.

Regulation 2 inserts new paragraphs into regulation 12 of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992. The effect is that a person will qualify for the higher rate of the mobility component of disability living allowance if that person has the prescribed level of severe visual impairment and has been certified as being severely sight impaired or blind by a consultant ophthalmologist.

Regulation 3 prescribes registered optometrists and orthoptists as health care professionals in relation to a claim for disability living allowance to which section 73(1AB) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 applies. This enables the Department to exercise its power, under Article 19 of the Social Security (Northern Ireland) Order 1998, to refer a person who makes a claim for disability living allowance on the basis of a severe visual impairment, to an optometrist or orthoptist, in cases where further clinical information is required in order to determine the claim.

Section 73(1AB) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, one of the enabling provisions under which these Regulations are made, was inserted by section 13(4) of the Welfare Reform Act (Northern Ireland) 2010 and brought into operation for certain purposes on 23rd September 2010 and 15th October 2010 and for all other purposes on 11th April 2010, by virtue of the Welfare Reform (2010 Act) (Commencement No. 1 and Transitory Provision) Order (Northern Ireland) 2010 (S.R. 2010 No. 327 (C. 19)).

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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