

2013 No. 2231

SOCIAL SECURITY

**The Personal Independence Payment (Transitional Provisions)
(Amendment) Regulations 2013**

<i>Made</i>	- - - -	<i>5th September 2013</i>
<i>Laid before Parliament</i>		<i>12th September 2013</i>
<i>Coming into force</i>	- -	<i>6th October 2013</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 93 and 94(1) and (2) of, and paragraphs 1(1) and 3(1)(a) and (b) of Schedule 10 to, the Welfare Reform Act 2012(a), makes the following Regulations.

The Secretary of State has not referred proposals in respect of these Regulations to the Social Security Advisory Committee, as it appears to him that by reason of the urgency of the matter it is inexpedient to do so(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Personal Independence Payment (Transitional Provisions) (Amendment) Regulations 2013.

(2) They come into force on 6th October 2013.

Amendment of the Personal Independence Payment (Transitional Provisions) Regulations 2013

2.—(1) The Personal Independence Payment (Transitional Provisions) Regulations 2013(c) are amended as follows.

(2) In regulation 3 (invitations to persons entitled to disability living allowance to claim personal independence payment), in paragraphs (1), (3) and (5) for “6th October 2013” substitute “27th October 2013”.

(3) In regulation 4 (claims by persons entitled to disability living allowance for personal independence payment other than by invitation), in paragraph (2) for “7th October 2013” substitute “28th October 2013”.

(a) 2012 c.5.

(b) See section 173(1)(a) of the Social Security Administration Act 1992 (c.5) (“the 1992 Act”). Paragraph 26(a) of Schedule 9 to the Welfare Reform Act 2012 inserts a reference to Part 4 of that Act into section 170(5) of the 1992 Act (definition of “the relevant enactments” which are subject to the requirement to refer proposals in respect of regulations to the Social Security Advisory Committee unless an exemption applies).

(c) S.I. 2013/387.

(4) In regulation 6 (persons in the course of claiming disability living allowance not entitled to claim personal independence payment), in paragraph (1)(a) for “7th October 2013” substitute “28th October 2013”.

(5) In regulation 18 (extension of certain fixed term period awards of disability living allowance for persons reaching 16), in paragraph (1)(b) for “6th October 2013” substitute “27th October 2013”.

(6) In regulation 22 (extinguishment of right to claim disability living allowance), in paragraph (2) for “7th October 2013” substitute “28th October 2013”.

Signed by authority of the Secretary of State for Work and Pensions

Esther McVey
Parliamentary Under Secretary of State
Department for Work and Pensions

5th September 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Personal Independence Payment (Transitional Provisions) Regulations 2013 (S.I. 2013/387) (“the principal Regulations”).

Regulation 2(2) amends regulation 3 of the principal Regulations to change from 6th October 2013 to 27th October 2013 the date from which the Secretary of State may, or in certain cases must, by written notification, invite a disability living allowance (“DLA”) entitled person (defined in regulation 2(1) of the principal Regulations) to claim personal independence payment (“PIP”).

The remainder of regulation 2 makes parallel changes to:

—regulation 4(2) of the principal Regulations (so that a DLA entitled person who has not been invited to claim PIP may not do so before 28th October 2013);

—regulation 6(1)(a) of the principal Regulations (so that a person who is not entitled to DLA who claimed DLA before 28th October 2013 may not claim PIP while their claim for DLA remains under consideration);

—regulation 18(1)(b) of the principal Regulations (so that fixed term awards of DLA are extended for persons reaching 16 after 27th October 2013, provided the other conditions set out in that regulation are met); and

—regulation 22(2) of the principal Regulations (so that a person who has a fixed term award of DLA is not prevented from claiming DLA if they have been notified by Secretary of State before 28th October 2013 that they need to do so).

An impact assessment has not been published for this instrument as it has no impact on business or civil society organisations.

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