

2013 No. 2689

SOCIAL SECURITY

**The Personal Independence Payment (Transitional Provisions)
(Amendment) (No. 2) Regulations 2013**

<i>Made</i>	- - - -	<i>21st October 2013</i>
<i>Laid before Parliament</i>		<i>21st October 2013</i>
<i>Coming into force</i>	- -	<i>25th October 2013</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 93 and 94(1) to (4) 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) (No. 2) Regulations 2013.

(2) They come into force on 25th 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 2 (interpretation)—

(a) in paragraph (1), after the definition of “pay day” insert—

““relevant date” means the date, specified by the Secretary of State in relation to any category of DLA entitled person, from which the Secretary of State is satisfied that satisfactory arrangements will be in place to assess the entitlement of persons in that category to personal independence payment;”;

(b) after paragraph (3) add—

(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 amended by S.I. 2013/2231.

“(4) As soon as practicable after specifying a relevant date in relation to any category of DLA entitled person, the Secretary of State must publish, in such manner as the Secretary of State considers appropriate, information sufficient to enable any DLA entitled person to ascertain the relevant date, if any, which applies in their case.”.

(3) In regulation 3 (invitations to persons entitled to disability living allowance to claim personal independence payment)—

(a) at the start of paragraph (3) insert “Subject to paragraphs (3A) and (4),”;

(b) after paragraph (3) insert—

“(3A) Paragraph (3) does not apply unless—

(a) the Secretary of State has specified a relevant date which applies in the case of the DLA entitled person, and

(b) that person reaches 16 on or after that relevant date.”;

(c) at the start of paragraph (5) insert “Subject to paragraph (5A),”;

(d) after paragraph (5) insert—

“(5A) Paragraph (5) does not apply unless—

(a) the Secretary of State has specified a relevant date which applies in the case of the DLA entitled person, and

(b) that person notifies the Secretary of State of the change of circumstances on or after that relevant date.”.

(4) For regulation 4 (claims by persons entitled to disability living allowance for personal independence payment other than by invitation) substitute—

“4. A DLA entitled person who has not been sent a notification under regulation 3(1) may not make a claim for personal independence payment unless—

(a) they were aged under 65 on 8th April 2013,

(b) the Secretary of State has specified a relevant date which applies in their case, and

(c) they make the claim on or after that relevant date.”.

(5) In regulation 22 (extinguishment of right to claim disability living allowance), in paragraph (2) omit “, before 28th October 2013,”.

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

Mike Penning

Minister of State

Department for Work and Pensions

21st October 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 as amended by S.I. 2013/2231) (“the principal Regulations”).

Regulation 2(2) inserts into the principal Regulations a definition of “relevant date”. This means the date, specified by the Secretary of State in relation to any category of DLA entitled person, from which the Secretary of State is satisfied that satisfactory arrangements will be in place to assess the entitlement of persons in that category to personal independence payment (“PIP”). “DLA entitled person” is defined in regulation 2(1) of the principal Regulations as a person aged 16 or over who is entitled to either or both components of disability living allowance.

Regulation 2(2) also inserts a new regulation 2(4) into the principal Regulations requiring the Secretary of State to publish information sufficient to enable any DLA entitled person to ascertain the relevant date, if any, which applies in their case.

Regulation 2(3) amends regulation 3 of the principal Regulations so that requirements on the Secretary of State to invite a DLA entitled person to claim PIP in certain circumstances do not apply unless the Secretary of State has specified a relevant date which applies in that person's case and that date has been reached.

Regulation 2(4) substitutes regulation 4 of the principal Regulations so that the option for a DLA entitled person to claim PIP in certain circumstances where they have not been invited to do so does not apply unless the Secretary of State has specified a relevant date which applies in that person's case and that date has been reached.

Regulation 2(5) amends regulation 22 of the principal Regulations (extinguishment of right to claim DLA) to enable the Secretary of State to continue to issue notifications under that regulation on and after 28th October 2013. Such notifications have the effect of enabling certain DLA entitled persons with a fixed term award to continue in receipt of DLA.

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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