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## STATUTORY INSTRUMENTS

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### 2013 No. 380

## The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013

### PART 6

#### Mobility component of personal independence payment

#### Cases where mobility component of personal independence payment not payable

**61.**—(1) Subject to the following provisions of this regulation, personal independence payment by virtue of entitlement to the mobility component is not payable to any person who would otherwise be entitled to it during any period in respect of which that person has received, or is receiving, any payment—

- (a) by way of grant under section 5 of, and paragraph 10 of Schedule 1 to, the National Health Service Act 2006 <sup>M1</sup>, section 5 of, and paragraph 10 of Schedule 1 to, the National Health Service (Wales) Act 2006 <sup>M2</sup> or section 46 of the National Health Service (Scotland) Act 1978 <sup>M3</sup> towards the costs of running a private car;
- (b) of mobility supplement under—
  - (i) the Naval, Military and Air Forces etc., (Disablement and Death) Service Pensions Order 2006 <sup>M4</sup>;
  - (ii) the Personal Injuries (Civilians) Scheme 1983 <sup>M5</sup>; or
  - (iii) the Order referred to in paragraph (i) by virtue of the War Pensions (Naval Auxiliary Personnel) Scheme 1964 <sup>M6</sup>, the Pensions (Polish Forces) Scheme 1964 <sup>M7</sup>, the War Pensions (Mercantile Marine) Scheme 1964 <sup>M8</sup> or an Order of Her Majesty in relation to the Home Guard dated 21st or 22nd December 1964 or in relation to the Ulster Defence Regiment dated 4th January 1971; or
- (c) out of public funds which the Secretary of State is satisfied is analogous to a payment under sub-paragraph (a) or (b).

(2) Paragraph (3) applies where a person in respect of whom personal independence payment is claimed for any period has received any such payment as is referred to in paragraph (1) for a period which, in whole or in part, covers the period for which personal independence payment is claimed.

(3) Such payment referred to in paragraph (1) is to be treated as an aggregate of equal weekly amounts in respect of each week in the period for which it is made and, where in respect of any such week a person is treated as having a weekly amount so calculated which is less than the weekly rate of mobility component of personal independence payment to which, apart from paragraph (1), they would be entitled, any personal independence payment to which that person may be entitled for that week is to be payable at a weekly rate reduced by the weekly amount so calculated.

**Changes to legislation:** There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013, PART 6. (See end of Document for details)

### Marginal Citations

- M1** 2006 c.41. There are prospective amendments not yet in force to paragraph 10 of Schedule 1 to the 2006 Act made by the [Health and Social Care Act 2012 \(c.7\)](#).
- M2** 2006 c.42.
- M3** 1978 c.29.
- M4** S.I. 2006/606.
- M5** S.I. 1983/686.
- M6** S.I. 1964/1985.
- M7** S.I. 1964/2007.
- M8** S.I. 1964/2058.

### Payment of personal independence payment on behalf of a claimant (Motability)

**62.—**(1) This regulation applies where—

- (a) personal independence payment is payable in respect of a claimant by virtue of entitlement to the mobility component at the enhanced rate; and
- (b) under arrangements made or negotiated by Motability, an agreement has been entered into by or on behalf of the claimant for the hire or hire-purchase of a vehicle.

(2) Where this regulation applies, the Secretary of State may arrange that any personal independence payment by virtue of entitlement to the mobility component at the enhanced rate be paid in whole or in part on behalf of the claimant in settlement of liability for payments due under the agreement mentioned in paragraph (1).

(3) Subject to regulations 63 and 64, in the case of the hire of a vehicle, an arrangement made by the Secretary of State under paragraph (2) terminates—

- (a) where the vehicle is returned to the owner at or before the expiration of the term of hire or any agreed extension of the term of hire, on expiry of the period of the term or extended term;
- (b) where the vehicle is retained by or on behalf of the claimant with the owner's consent after the expiration of the term of hire or any agreed extension of the term of hire, on expiry of the period of the term or extended term; or
- (c) where the vehicle is retained by or on behalf of the claimant otherwise than with the owner's consent after the expiration of the term of hire or any agreed extension of the term of hire, or its earlier termination, on expiry of whichever is the longer of the following periods—
  - (i) the period ending with the return of the vehicle to the owner; or
  - (ii) the period of the term of hire or any agreed extension of the term of hire.

(4) Subject to regulations 63 and 64 in the case of a hire-purchase agreement, an arrangement made by the Secretary of State under paragraph (2) terminates—

- (a) on the purchase of the vehicle; or
- (b) where the vehicle is returned to, or is repossessed by, the owner under the terms of the agreement before the completion of the purchase, at the end of the original period of the agreement.

(5) In this regulation “Motability” means the company, set up under that name as a charity and originally incorporated under the Companies Act 1985<sup>M9</sup> and subsequently incorporated by Royal Charter.

**Marginal Citations**

**M9** 1985 c.6.

**[<sup>F1</sup>Recovery of expenses**

**62A.**—(1) Paragraph 2 applies where—

- (a) an agreement referred to in regulation 62(1)(b) has been entered into; and
- (b) a relevant provider is receiving payments of personal independence payment in settlement of liability for payments due under that agreement.

(2) The Secretary of State may require the relevant provider to make payments to meet the reasonable expenses of the Secretary of State in administering the making of the payments of personal independence payment to the relevant provider.

(3) The method by which the expenses under paragraph (2) are to be met is for the Secretary of State to issue an invoice to the relevant provider setting out the expenses that have been incurred and for the relevant provider to pay the sum stated to the Secretary of State.

(4) The first invoice issued by the Secretary of State may recover expenses incurred between 21st July 2016 and the date of the invoice.

(5) Subsequently the Secretary of State may issue invoices no more frequently than annually and only in respect of expenses incurred since the period covered by the previous invoice.

(6) The expenses that the Secretary of State may take into account for the purposes of paragraph (2) include—

- (a) the salaries and other costs relating to the employment of staff wholly engaged in the administering of the payments of personal independence payment and where staff have other responsibilities, an apportioned amount of those costs; and
- (b) overheads, including rent and other shared costs, relating to those staff.

(7) In determining what expenses were reasonably incurred in administering the making of payments of personal independence payment to a relevant provider, the Secretary of State must have regard to any agreement between the Secretary of State and the relevant provider concerning the level of service to be provided by the Secretary of State in the making of such payments to that relevant provider.]

**Textual Amendments**

**F1** [Reg. 62A](#) inserted (21.7.2016) by [The Social Security \(Expenses of Paying Sums in Relation to Vehicle Hire\) Regulations 2016 \(S.I. 2016/674\)](#), regs. 1, 5

**Power for the Secretary of State to terminate an arrangement (Motability)**

**63.** The Secretary of State may terminate an arrangement under regulation 62(2) on such date as the Secretary of State decides—

- (a) if requested to do so by the owner of the vehicle to which the arrangement relates; or
- (b) if it appears to the Secretary of State that the arrangement is causing undue hardship to the claimant and that it should be terminated earlier than provided for by regulation 62(3) or (4).

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**Changes to legislation:** There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013, PART 6. (See end of Document for details)

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**Restriction on duration of arrangements by the Secretary of State (Motability)**

**64.** The Secretary of State must terminate an arrangement under regulation 62(2) where the Secretary of State is satisfied that—

- (a) the vehicle to which the arrangement relates has been returned to the owner; and
- (b) the expenses of the owner arising out of the hire or hire-purchase agreement have been recovered following the return of the vehicle.

**Changes to legislation:**

There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013, PART 6.