

STATUTORY INSTRUMENTS

2013 No. 387

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

Invitations to persons entitled to disability living allowance to claim personal independence payment

3.—(1) At any time after [^{F1}27th October 2013], the Secretary of State may by written notification invite a DLA entitled person to make a claim for personal independence payment.

(2) The Secretary of State must not send a notification under paragraph (1) to any person who, on 8th April 2013, was 65 or over.

(3) [^{F2}[^{F3}Subject to paragraphs [^{F4}(3ZA),][^{F5}(3A), (4) and (4A)],] the Secretary of State must send a notification under paragraph (1) to a DLA entitled person who reaches 16 after [^{F6}27th October 2013] as soon as reasonably practicable after the person reaches that age.]

[^{F7}(3ZA) [^{F8}The Scottish Ministers must not send a notification under paragraph (1) to a DLA entitled person who—

- (a) reaches the age of 16 on or after 1 September 2020, and
- (b) is resident in Scotland,

until the person reaches the age of 18, after which the Scottish Ministers must send a notification under paragraph (1) to that person as soon as reasonably practicable.]]

[^{F9}(3A) [^{F10}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.]]

(4) [^{F11}[^{F12}Paragraphs (3) and (3ZA) do] not apply to a DLA entitled person whose entitlement, on the day that the person reaches 16, is on the basis that the person is terminally ill within the meaning given by subsection (2) of section 66 (attendance allowance for the terminally ill) of the 1992 Act.]

[^{F13}(4A) [^{F14}If the DLA entitled person referred to in [^{F15}paragraphs (3) or (3ZA)] is an exempt person, the Secretary of State must not send the notification required by [^{F15}paragraph (3)][^{F15}paragraphs (3) or (3ZA)] until the DLA entitled person ceases to be an exempt person.]]

(5) [^{F16}[^{F17}Subject to [^{F18}paragraphs (5A) and (5B)],] where, after [^{F19}27th October 2013], a DLA entitled person who has neither—

- (a) been sent a notification under paragraph (1), nor
- (b) made a claim for personal independence payment under regulation 4,

notifies the Secretary of State of a change of circumstances other than a change to which paragraph (6) applies, the Secretary of State must, as soon as reasonably practicable, send the person a notification under paragraph (1).]

[^{F20}(5A) [^{F21}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.]]

[^{F22}(5B) [^{F23}If the DLA entitled person referred to in paragraph (5) is an exempt person, the Secretary of State must not send the notification required by paragraph (5) until the DLA entitled person ceases to be an exempt person.]]

(6) [^{F24}This paragraph applies to a change of circumstances where the change notified is that the DLA entitled person is to become or has become absent, whether temporarily or permanently, from Great Britain.]

Textual Amendments

- F1** Words in reg. 3(1) substituted (6.10.2013) by The Personal Independence Payment (Transitional Provisions) (Amendment) Regulations 2013 (S.I. 2013/2231), regs. 1(2), **2(2)**
- F2** Reg. 3(3) omitted (S.) (29.8.2022) by virtue of The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 (S.S.I. 2022/217), regs. 1(1), **17(2)**
- F3** Words in reg. 3(3) inserted (25.10.2013) by The Personal Independence Payment (Transitional Provisions) (Amendment) (No. 2) Regulations 2013 (S.I. 2013/2689), regs. 1(2), **2(3)(a)**
- F4** Word in reg. 3(3) inserted (S.) (1.9.2020) by The Personal Independence Payment (Transitional Provisions) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/218), regs. 1(1), **2(2)(a)**
- F5** Words in reg. 3(3) substituted (29.6.2016) by The Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations 2016 (S.I. 2016/556), regs. 1(2), **4(3)(a)**
- F6** Words in reg. 3(3) substituted (6.10.2013) by The Personal Independence Payment (Transitional Provisions) (Amendment) Regulations 2013 (S.I. 2013/2231), regs. 1(2), **2(2)**
- F7** Reg. 3(3ZA) inserted (S.) (1.9.2020) by The Personal Independence Payment (Transitional Provisions) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/218), regs. 1(1), **2(2)(b)**
- F8** Reg. 3(3ZA) omitted (S.) (29.8.2022) by virtue of The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 (S.S.I. 2022/217), regs. 1(1), **17(2)**
- F9** Reg. 3(3A) inserted (25.10.2013) by The Personal Independence Payment (Transitional Provisions) (Amendment) (No. 2) Regulations 2013 (S.I. 2013/2689), regs. 1(2), **2(3)(b)**
- F10** Reg. 3(3A) omitted (S.) (29.8.2022) by virtue of The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 (S.S.I. 2022/217), regs. 1(1), **17(2)**
- F11** Reg. 3(4) omitted (S.) (29.8.2022) by virtue of The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 (S.S.I. 2022/217), regs. 1(1), **17(2)**
- F12** Words in reg. 3(4) substituted (S.) (1.9.2020) by The Personal Independence Payment (Transitional Provisions) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/218), regs. 1(1), **2(2)(c)**
- F13** Reg. 3(4A) inserted (29.6.2016) by The Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations 2016 (S.I. 2016/556), regs. 1(2), **4(3)(b)**
- F14** Reg. 3(4A) omitted (S.) (29.8.2022) by virtue of The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 (S.S.I. 2022/217), regs. 1(1), **17(2)**
- F15** Words in reg. 3(4A) substituted (S.) (1.9.2020) by The Personal Independence Payment (Transitional Provisions) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/218), regs. 1(1), **2(2)(d)**
- F16** Reg. 3(5) omitted (S.) (29.8.2022) by virtue of The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 (S.S.I. 2022/217), regs. 1(1), **17(2)**

- F17** Words in reg. 3(5) inserted (25.10.2013) by The Personal Independence Payment (Transitional Provisions) (Amendment) (No. 2) Regulations 2013 (S.I. 2013/2689), regs. 1(2), **2(3)(c)**
- F18** Words in reg. 3(5) substituted (29.6.2016) by The Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations 2016 (S.I. 2016/556), regs. 1(2), **4(3)(c)**
- F19** Words in reg. 3(5) substituted (6.10.2013) by The Personal Independence Payment (Transitional Provisions) (Amendment) Regulations 2013 (S.I. 2013/2231), regs. 1(2), **2(2)**
- F20** Reg. 3(5A) inserted (25.10.2013) by The Personal Independence Payment (Transitional Provisions) (Amendment) (No. 2) Regulations 2013 (S.I. 2013/2689), regs. 1(2), **2(3)(d)**
- F21** Reg. 3(5A) omitted (S.) (29.8.2022) by virtue of The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 (S.S.I. 2022/217), regs. 1(1), **17(2)**
- F22** Reg. 3(5B) inserted (29.6.2016) by The Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations 2016 (S.I. 2016/556), regs. 1(2), **4(3)(d)**
- F23** Reg. 3(5B) omitted (S.) (29.8.2022) by virtue of The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 (S.S.I. 2022/217), regs. 1(1), **17(2)**
- F24** Reg. 3(6) omitted (S.) (29.8.2022) by virtue of The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 (S.S.I. 2022/217), regs. 1(1), **17(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Personal Independence Payment (Transitional Provisions) Regulations 2013, Section 3.