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STATUTORY INSTRUMENTS

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**2016 No. 556**

**The Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations 2016**

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

4.—(1) The Personal Independence Payment (Transitional Provisions) Regulations 2013<sup>(1)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), after the definition of “electronic communication” insert—

““exempt person” means a DLA entitled person in respect of whom, by virtue of regulation 8(2B) or 12A(3) of the 1991 Regulations (person under the age of 18 on the day of entry into hospital), a disability living allowance is payable even though they are maintained free of charge while undergoing medical or other treatment as an in-patient in a hospital or other similar institution;”.

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

(a) in paragraph (3) for “(3A) and (4)” substitute “(3A), (4) and (4A)”;

(b) after paragraph (4) insert—

“(4A) If the DLA entitled person referred to in paragraph (3) is an exempt person, the Secretary of State must not send the notification required by paragraph (3) until the DLA entitled person ceases to be an exempt person.”;

(c) in paragraph (5) for “paragraph (5A)” substitute “paragraphs (5A) and (5B)”;

(d) after paragraph (5A) insert—

“(5B) 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.”.

(4) In regulation 19 (general power to extend fixed term period awards of disability living allowance), in paragraph (1)(b), after “expire” insert “while the DLA entitled person is an exempt person to whom a notification cannot be sent by virtue of regulation 3(4A) or (5B), or”.