

2017 No. 194

SOCIAL SECURITY

**The Social Security (Personal Independence Payment)
(Amendment) Regulations 2017**

<i>Made</i>	- - - -	<i>22nd February 2017</i>
<i>Laid before Parliament</i>		<i>23rd February 2017</i>
<i>Coming into force</i>	- -	<i>16th March 2017</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 80(1) and (3)(b) and (c) and 94(1), (2) and (3)(a) of the Welfare Reform Act 2012(a).

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. These Regulations may be cited as the Social Security (Personal Independence Payment) (Amendment) Regulations 2017 and come into force on 16th March 2017.

Amendment of the Social Security (Personal Independence Payment) Regulations 2013

2.—(1) Schedule 1 (personal independence payment assessment) to the Social Security (Personal Independence Payment) Regulations 2013(c) is amended as follows.

(2) In paragraph 1 of Part 1 (interpretation)—

- (a) in the defined term “manage medication or therapy”, omit “or therapy”;
- (b) in the definition of that term, omit “or undertake therapy”;
- (c) after that definition insert—

““manage therapy” means undertake therapy, where a failure to do so is likely to result in a deterioration in C’s health;”;
- (d) in the defined term “monitor health”, for “monitor health” substitute “monitor a health condition”;
- (e) in the definition of “therapy”, after paragraph (b) insert (as full-out words)—

(a) 2012 c.5.

(b) See section 173(1)(a) of the Social Security Administration Act 1992 (c.5). For the purposes of that Act, Part 4 of the Welfare Reform Act 2012 is a “relevant enactment”: see section 170(5)(al), inserted by the Welfare Reform Act 2012, Schedule 9, paragraph 26.

(c) S.I. 2013/377.

“but does not include taking or applying, or otherwise receiving or administering, medication (whether orally, topically or by any other means), or any action which, in C’s case, falls within the definition of “monitor a health condition””;

(3) In the table in Part 2 (daily living activities), in relation to activity 3 (managing therapy or monitoring a health condition), in descriptor b—

- (a) for “either” substitute “any one or more of the following”;
- (b) between paragraphs (i) and (ii), omit “or”;
- (c) in paragraph (ii) omit “or monitor a health condition”;
- (d) at the end insert—

“(iii) supervision, prompting or assistance to be able to monitor a health condition.”.

(4) In the table in Part 3 (mobility activities), in relation to activity 1 (planning and following journeys), in descriptors c, d and f, for “Cannot” substitute “For reasons other than psychological distress, cannot”.

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

Penny Mordaunt

Minister of State,

Department for Work and Pensions

22nd February 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 1 to the Social Security (Personal Independence Payment) Regulations 2013 (S.I. 2013/377), which sets out the activities to be assessed when determining entitlement for Personal Independence Payment and the way in which a claimant’s ability to carry out those activities is to be scored.

Regulations 2(2) and 2(3) reverse the effect of the judgment of the Upper Tribunal in the case of *Secretary of State for Work and Pensions v LB (PIP)* [2016] UKUT 0530 (AAC). Regulation 2(2) separates the definition of “manage medication or therapy”, in Part 1 of the Schedule, into two separate definitions (“manage medication” and “manage therapy”). It also amends the definition of “therapy” to make it clear that this does not include receiving or administering medication by any means, or any action which (in the case of the particular claimant being assessed) falls within the definition of “monitor a health condition”. Regulation 2(3) amends the activity “managing therapy or monitoring a health condition”, in Part 2 of the Schedule (daily living activities), to make it clear that descriptor b (need for an aid, appliance, prompting, supervision or assistance to be able to manage medication or monitor a health condition) remains the appropriate descriptor even if two or more elements in that descriptor are satisfied.

Regulation 2(4) reverses the effect of the judgment of the Upper Tribunal in the case of *MH v Secretary of State for Work and Pensions (PIP)* [2016] UKUT 0531 (AAC) by making it clear that, in the activity “planning and following journeys” in Part 3 of the Schedule (mobility activities), the effects of psychological distress are not relevant to descriptors c, d or f (planning or following the route of a journey).

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.

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