

SCHEDULES

SCHEDULE 10

Section 93

PERSONAL INDEPENDENCE PAYMENT: TRANSITIONAL

General

- 1 (1) Regulations under section 93 may in particular make provision for the purposes of, or in connection with, replacing disability living allowance with personal independence payment.
- (2) In this Schedule “the appointed day” means the day appointed for the coming into force of section 77.

Claims before the appointed day

- 2 (1) The provision referred to in paragraph 1(1) includes—
 - (a) provision for a claim for personal independence payment to be made before the appointed day for a period beginning on or after that day;
 - (b) provision for a claim for personal independence payment made before the appointed day to be treated to any extent as a claim for disability living allowance;
 - (c) provision for a claim for disability living allowance made before the appointed day to be treated to any extent as a claim for personal independence payment.
- (2) The provision referred to in paragraph 1(1) includes provision, where a claim for personal independence payment is made (or treated as made) before the appointed day, for an award on the claim to be made in respect of a period before the appointed day (including provision as to the conditions of entitlement for, and the amount of, such an award).

Claims after the appointed day

- 3 (1) The provision referred to in paragraph 1(1) includes—
 - (a) provision permanently or temporarily excluding the making of a claim for personal independence payment after the appointed day by—
 - (i) a person to whom disability living allowance is awarded, or
 - (ii) a person who would be entitled to an award of disability living allowance on making a claim for it;
 - (b) provision temporarily excluding the making of a claim for personal independence payment after the appointed day by any other person;
 - (c) provision excluding entitlement to personal independence payment temporarily or for a particular period;

Status: This is the original version (as it was originally enacted).

- (d) provision for a claim for personal independence payment made after the appointed day to be treated to any extent as a claim for disability living allowance;
 - (e) provision for a claim for disability living allowance made after the appointed day to be treated to any extent as a claim for personal independence payment.
- (2) The provision referred to in paragraph 1(1) includes provision, where a claim for personal independence payment is made (or treated as made) after the appointed day, for an award on the claim to be made in respect of a period before the appointed day (including provision as to the conditions of entitlement for, and the amount of, such an award).

Awards

- 4 (1) The provision referred to in paragraph 1(1) includes—
- (a) provision for terminating an award of disability living allowance;
 - (b) provision for making an award of personal independence payment, with or without application, to a person whose award of disability living allowance is terminated.
- (2) The provision referred to in sub-paragraph (1)(b) includes—
- (a) provision imposing requirements as to the procedure to be followed, information to be supplied or assessments to be undergone in relation to an award by virtue of that sub-paragraph or an application for such an award;
 - (b) provision as to the consequences of failure to comply with any such requirement;
 - (c) provision as to the terms on which, and conditions subject to which, such an award is made, including—
 - (i) provision temporarily or permanently disapplying, or otherwise modifying, conditions of entitlement to personal independence payment in relation to the award;
 - (ii) provision temporarily or permanently disapplying, or otherwise modifying, any requirement under this Part for a person to be assessed in respect of any of the questions mentioned in section 80(1) or (2);
 - (d) provision as to the amount of such an award.

Supplementary

- 5 Regulations under section 93—
- (a) may secure the result that any gap in entitlement to disability living allowance is to be disregarded for the purposes of provision under the regulations;
 - (b) may make provision about cases in which provision made by regulations under section 80(2) (required period condition) is to apply with modifications;
 - (c) may, for the purposes of provision made by virtue of paragraph (b), provide for a period of entitlement to disability living allowance to be taken into account in determining whether a person meets “the required period condition” for the purposes of section 78(1) or (2) or 79(1) or (2).