This Statutory Instrument has been made in consequence of a defect in S.I. 2013/387 and is being issued free of charge to all known recipients of that Statutory Instrument

STATUTORY INSTRUMENTS

2019 No. 1011

SOCIAL SECURITY

The Personal Independence Payment (Transitional Provisions) (Amendment) Regulations 2019

Made - - - -	*10th June 2019*
Laid before Parliament	*13th June 2019*
Coming into force - -	*4th July 2019*

The Secretary of State for Work and Pensions in exercise of the powers conferred by sections 83(3), 93 and 94(1), (2) and (3) of, and paragraphs 1(1), 4(1)(b) and 4(2)(c)(i) of Schedule 10 to, the Welfare Reform Act 2012(**1**), makes the following Regulations:

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(**2**), the Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to them.

Citation and commencement

1. These Regulations may be cited as the Personal Independence Payment (Transitional Provisions) (Amendment) Regulations 2019 and come into force on 4th July 2019.

Amendment to the Personal Independence Payment (Transitional Provisions) Regulations 2013

2. After regulation 27 (persons aged 65 and over to be entitled to personal independence payment in certain circumstances) of the Personal Independence Payment (Transitional Provisions) Regulations 2013(**3**) insert—

(**1**) 2012 c.5.
(**2**) 1992 c.5.
(**3**) S.I. 2013/387.

"**Revision and supersession of an award of personal independence payment in certain circumstances**

27A.—(1) Subject to paragraph (2), section 83(1) of the Act(**4**) (persons of pensionable age) does not apply to a person who —

(a) met the conditions at paragraph (2) or (3) of regulation 27, and

(b) is entitled to an award of personal independence payment ("the original award"), and that award is revised or superseded within the meaning of section 9 or 10 of the 1998 Act(**5**) respectively.

(2) Where the original award includes the mobility component of personal independence payment and is superseded, paragraphs (2) and (3) of regulation 27 of the PIP Regulations apply in relation to the supersession.

(3) In this regulation, the references to an original award are to be read as including a concessionary payment made in lieu of personal independence payment under arrangements by the Secretary of State with the consent of the Treasury.".

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

Justin Tomlinson
Minister of State
10th June 2019 — Department for Work and Pensions

(**4**) 2012 c.5.
(**5**) 1998 c.14.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Personal Independence Payment (Transitional Provisions) Regulations 2013 which transfer disability living allowance entitled persons to personal independence payment ("DLA transfer claimants") by providing an exemption to personal independence payment ("PIP") age restriction in section 83(1) of the Welfare Reform Act 2012 in cases where transfer claimants' PIP awards are revised or superseded for a change of circumstances.

Regulation 2 inserts a new provision, regulation 27A, into the Transitional Regulations to correct an unintended gap in the legislation. Regulation 27A provides former DLA transfer claimants, who are now in receipt of PIP and who transferred to PIP when aged 65 or older, an exemption from the restriction in section 83(1) of the Welfare Reform Act 2012 where their PIP award is revised or superseded. It also provides that when that PIP award is superseded it will be subject to the limitations on the mobility component for those aged 65 or over provided at regulation 27(2) and (3) of the Social Security (Personal Independence Payment) Regulations 2013.

Regulation 2 also applies these provisions to those in receipt of concessionary payments made in lieu of an award of the daily living component, mobility component or both components of PIP.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.