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STATUTORY INSTRUMENTS

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**2022 No. 177**

**The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022**

**PART 2**

Amendments to legislation applying in relation to England and Wales and Scotland

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

**14.**—(1) The Social Security (Personal Independence Payment) Regulations 2013<sup>(1)</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the appropriate places insert—

““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;

““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”;

(b) in the definition of “prescribed date” replace “14 or 15” with “14, 15 or 15A”;

(3) In regulation 7(3) (scoring: further provision), in paragraphs (a)(i) and (b)(i), after “regulation 15” insert “or 15A”.

(4) In regulation 14 (the prescribed date) after “regulation 15” insert “or paragraph (2) or (3) of regulation 15A”.

(5) In regulation 15 (the prescribed date: claims for personal independence payment after an interval)—

(a) in paragraph (1)(b), after “a previous award” insert “for personal independence payment or adult disability payment”;

(b) in paragraph (1)(c) after “referred to in sub-paragraph (b)” insert “, where that award was in respect of personal independence payment or adult disability payment.”;

(c) in paragraph (2)(a) and 3(a) after “previous award ended” insert “where that award was in respect of personal independence payment or adult disability payment”.

(6) After regulation 15 insert—

**“The prescribed date: claims for personal independence payment after award of Child Disability Payment**

**15A.**—(1) Paragraphs (2), (3) and (4) apply where—

(a) C makes a claim for personal independence payment (“the new claim”);

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(1) [S.I. 2013/377](#); there are amendments to that instrument but none is relevant.

- (b) C had a previous award of child disability payment which ended not more than 2 years before the date on which the new claim is made; and
  - (c) C is aged 16 years or over at the date of the new claim.
- (2) In relation to determination of entitlement under the new claim—
- (a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended where that award was in respect of child disability payment; and
  - (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to the new claim as if, for the words “the prescribed date” there were substituted “the date on which the new claim for personal independence payment is made”.
- (3) Where C is awarded either or both components under the new claim, in relation to entitlement to that component or, as the case may be, those components, for the period of 3 months following the date of the new claim—
- (a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended where that award was in respect of child disability payment; and
  - (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to that award as if, for the words “the prescribed date” there were substituted “each day of the award”.
- (4) C is to be regarded as meeting such of the conditions contained in the following provisions of these Regulations (as modified by paragraphs (2) and (3) above) as are relevant to C’s new claim, regardless of whether those conditions have been met—
- (a) in regulation 12 (required period condition: daily living component), paragraph (1)(a) or (2)(a);
  - (b) in regulation 13 (required period condition: mobility component), paragraph (1)(a) or (2)(a).”.
- (7) In regulation 26 (claim for personal independence payment after an interval and after reaching the relevant age) in each of paragraphs (2)(c)(i), (2)(c)(ii) and (2)(d), after “the previous award” insert “of personal independence payment or adult disability payment”.