
DRAFT STATUTORY INSTRUMENTS

2013 No.

**The Social Security (Personal
Independence Payment) Regulations 2013**

PART 3

Required period condition

Required period condition: daily living component

12.—(1) C meets the required period condition for the purposes of section 78(1) of the Act (daily living component at standard rate) where —

- (a) if C had been assessed at every time in the period of 3 months ending with the prescribed date, it is likely that the Secretary of State would have determined at that time that C had limited ability to carry out daily living activities; and
- (b) if C were to be assessed at every time in the period of 9 months beginning with the day after the prescribed date, it is likely that the Secretary of State would determine at that time that C had limited ability to carry out daily living activities.

(2) C meets the required period condition for the purposes of section 78(2) of the Act (daily living component at enhanced rate) where —

- (a) if C had been assessed at every time in the period of 3 months ending with the prescribed date, it is likely that the Secretary of State would have determined at that time that C had severely limited ability to carry out daily living activities; and
- (b) if C were to be assessed at every time in the period of 9 months beginning with the day after the prescribed date, it is likely that the Secretary of State would determine at that time that C had severely limited ability to carry out daily living activities.

Required period condition: mobility component

13.—(1) C meets the required period condition for the purposes of section 79(1) of the Act (mobility component at standard rate) where —

- (a) if C had been assessed at every time in the period of 3 months ending with the prescribed date, it is likely that the Secretary of State would have determined at that time that C had limited ability to carry out mobility activities; and
- (b) if C were to be assessed at every time in the period of 9 months beginning with the day after the prescribed date, it is likely that the Secretary of State would determine at that time that C had limited ability to carry out mobility activities.

(2) C meets the required period condition for the purposes of section 79(2) of the Act (mobility component at enhanced rate) where —

- (a) if C had been assessed at every time in the period of 3 months ending with the prescribed date, it is likely that the Secretary of State would have determined at that time that C had severely limited ability to carry out mobility activities; and

- (b) if C were to be assessed at every time in the period of 9 months beginning with the day after the prescribed date, it is likely that the Secretary of State would determine at that time that C had severely limited ability to carry out mobility activities.

The prescribed date

- 14.** Except where paragraph (2) or (3) of regulation 15 applies, the prescribed date is—
- (a) where C has made a claim for personal independence payment which has not been determined, the date of that claim or, if later, the earliest date in relation to which, if C had been assessed in relation to C's ability to carry out daily living activities or, as the case may be, mobility activities, at every time in the previous 3 months, it is likely that the Secretary of State would have determined at that time that C had limited ability or, as the case may be, severely limited ability to carry out those activities; and
 - (b) where C has an award of either or both components, each day of that award.

The prescribed date: claims for personal independence payment after an interval

- 15.—**(1) Paragraphs (2) and (3) apply where —
- (a) C makes a claim for personal independence payment (“the new claim”);
 - (b) C had a previous award which ended not more than 2 years before the date on which the new claim is made;
 - (c) the previous award referred to in sub-paragraph (b) consisted of the same component as the one to which C is entitled (or would be entitled if C met the required period condition) under the new claim; and
 - (d) the Secretary of State determines that the entitlement under the new claim results from—
 - (i) substantially the same physical or mental condition or conditions for which the previous award was made; or
 - (ii) a new physical or mental condition which developed as a result of a condition for which the previous award was made.
- (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; 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 continued 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; 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) This regulation is subject to regulation 26.