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DRAFT STATUTORY INSTRUMENTS

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**2013 No.**

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

**PART 6**

Provisions relating to age

**Exceptions to section 83 where entitlement exists or claim made before relevant age**

**25.** Section 83(1) of the Act (persons of pensionable age) does not apply where C has reached the relevant age if C —

- (a) was entitled to an award of either or both components on the day preceding the day on which C reached the relevant age; or
- (b) made a claim for personal independence payment before reaching the relevant age and that claim was not determined before C reached that age but an award of either or both components would be made in respect of C but for section 83(1) of the Act.

**Claim for personal independence payment after an interval and after reaching the relevant age**

**26.—**(1) Where C has reached the relevant age and makes a new claim in the circumstances set out in regulation 15 the following exceptions apply.

(2) The exceptions referred to in paragraph (1) are —

- (a) section 83(1) of the Act (persons of pensionable age) does not apply;
- (b) the reference to ‘2 years’ in regulation 15(1)(b) is to be read as ‘1 year’;
- (c) where C is assessed as having severely limited ability to carry out mobility activities for the purposes of the new claim —
  - (i) C is entitled to the enhanced rate of the mobility component only if C was entitled to that rate of that component under the previous award; and
  - (ii) where C is not entitled to the enhanced rate of that component because of paragraph (i), C is entitled to the standard rate of that component provided that C was entitled to that rate of that component under the previous award; and
- (d) where C is assessed as having limited ability to carry out mobility activities for the purposes of the new claim, C is entitled to the standard rate of the mobility component only if C was entitled to that component, at either rate, under the previous award.

**Revision and supersession of an award after the person has reached the relevant age**

**27.—**(1) Subject to paragraph (2), section 83(1) of the Act (persons of pensionable age) does not apply where —

- (a) C has reached the relevant age and is entitled to an award (“the original award”) of either or both components pursuant to an exception in regulation 25 or 26; and
  - (b) that award falls to be revised or superseded.
- (2) Where the original award includes an award of the mobility component and is superseded for a relevant change of circumstance which occurred after C reached the relevant age, the restrictions in paragraph (3) apply in relation to the supersession.
- (3) The restrictions referred to in paragraph (2) are —
- (a) where the original mobility component award is for the standard rate then, regardless of whether the award would otherwise have been for the enhanced rate, the Secretary of State
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    - (i) may only make an award for the standard rate of that component; and
    - (ii) may only make such an award where entitlement results from substantially the same condition or conditions for which the mobility component in the original award was made.
  - (b) where the original mobility component award is for the enhanced rate, the Secretary of State may only award that rate of that component where entitlement results from substantially the same condition or conditions for which the mobility award was made.
- (4) Where the original award does not include an award of the mobility component but C had a previous award of that component, for the purpose of this regulation entitlement under that previous award is to be treated as if it were under the original award provided that the entitlement under the previous award ceased no more than 1 year prior to the date on which the supersession takes or would take effect.