STATUTORY INSTRUMENTS

2013 No. 377

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.

Commencement Information

I1 Reg. 25 coming into force in accordance with reg. 1(2) and S.I. 2013/358

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 **[**[F1]of personal independence payment or adult disability payment**]**; 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 **[**[F2]of personal independence payment or adult disability payment**]**; 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 **[**[F3]of personal independence payment or adult disability payment**]**.

Textual Amendments

F1 Words in reg. 26(2)(c)(i) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **14(7)**

F2 Words in reg. 26(2)(c)(ii) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **14(7)**

F3 Words in reg. 26(2)(d) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **14(7)**

Commencement Information

I2 Reg. 26 coming into force in accordance with reg. 1(2) and S.I. 2013/358

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.

[[F4](2) Where the original award includes an award of the mobility component and is superseded—

(a) pursuant to regulation 23 of the Decisions and Appeals Regulations for a relevant change of circumstances which occurred after C reached the relevant age; or

(b) pursuant to regulation 26(1)(a) of the Decisions and Appeals Regulations where—

(i) the application for supersession was made by C after C reached the relevant age, or

(ii) the supersession proceedings were initiated by the Scottish Ministers after C reached the relevant age,

the restrictions in paragraph (3) apply in relation to the supersession.**]**

[[F5](2) Where the original award includes an award of the mobility component and is superseded—

(a) pursuant to regulation 23 of the Decisions and Appeals Regulations for a relevant change of circumstances which occurred after C reached the relevant age; or

(b) pursuant to regulation 26(1)(a) of the Decisions and Appeals Regulations, where—

(i) the application for supersession was made by C after C reached the relevant age, or

(ii) the supersession proceedings were initiated by the Secretary of State after C reached the relevant age,

the restrictions in paragraph (3) apply in relation to the supersession.**]**

[F6]**[**[F7](2A) In paragraph (2), "the Decisions and Appeals Regulations" means the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013.**]**

(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 -

(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.

Textual Amendments

F4 Reg. 27(2) substituted (S.) (30.11.2020) by The Social Security (Personal Independence Payment) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/340), regs. 1(1), **2(2)**

F5 Reg. 27(2) substituted (E.W.) (30.11.2020) by The Social Security (Personal Independence Payment) (Amendment) Regulations 2020 (S.I. 2020/1235), regs. 1(1), 2(2)

F6 Reg. 27(2A) inserted (E.W.) (30.11.2020) by The Social Security (Personal Independence Payment) (Amendment) Regulations 2020 (S.I. 2020/1235), regs. 1(1), **2(3)**

F7 Reg. 27(2A) inserted (S.) (30.11.2020) by The Social Security (Personal Independence Payment) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/340), regs. 1(1), **2(3)**

Commencement Information

I3 Reg. 27 coming into force in accordance with reg. 1(2) and S.I. 2013/358

Changes to legislation:
There are currently no known outstanding effects for the The Social Security (Personal Independence Payment) Regulations 2013, PART 6.