
STATUTORY INSTRUMENTS

2013 No. 387

**The Personal Independence Payment
(Transitional Provisions) Regulations 2013**

Temporary absence from Great Britain when transfer claimant becomes entitled to personal independence payment

26.—(1) This paragraph applies to a transfer claimant awarded personal independence payment if, on the day that the claimant's entitlement to disability living allowance terminates in accordance with regulation 13(1) or 17(1)(b), the claimant would otherwise be temporarily absent from Great Britain but is treated as present in Great Britain by virtue of—

- (a) paragraph (2)(d) of regulation 2 (conditions as to residence and presence in Great Britain) of the 1991 Regulations ^{M1}, because the first 13 weeks of absence referred to in that regulation have not expired, or
- (b) paragraph (3B) of regulation 2 of the 1991 Regulations ^{M2}, because the first 26 weeks of absence referred to in that regulation have not expired.

(2) In applying regulation 17 (absence from Great Britain) of the PIP Regulations to a transfer claimant to whom paragraph (1)(a) applies, the period—

- (a) starting with the first day on which the claimant was treated as present in Great Britain by virtue of regulation 2(2)(d) of the 1991 Regulations, and
- (b) ending with the day on which the claimant's entitlement to disability living allowance terminates in accordance with regulation 13(1) or 17(1)(b)

shall be counted towards the 13 weeks of absence referred to in regulation 17 of the PIP Regulations.

(3) In applying regulation 18 (absence from Great Britain to receive medical treatment) of the PIP Regulations to a transfer claimant to whom paragraph (1)(b) applies the period—

- (a) starting with the first day of absence for the purpose of regulation (3B) of the 1991 Regulations, and
- (b) ending with the day on which the claimant's entitlement to disability living allowance terminates in accordance with regulation 13(1) or 17(1)(b)

shall be counted towards the 26 weeks of absence referred to in regulation 18 of the PIP Regulations.

Marginal Citations

- M1** Paragraph (2)(d) of regulation 2 was amended by the Social Security (Disability Living Allowance, Attendance Allowance and Carer's Allowance) (Amendment) Regulations 2013, regulation 4(2)(e).
- M2** Paragraph (3B) was inserted by the Social Security (Disability Living Allowance, Attendance Allowance and Carer's Allowance) (Amendment) Regulations 2013, regulation 4(2)(h).

Changes to legislation:

There are currently no known outstanding effects for the The Personal Independence Payment (Transitional Provisions) Regulations 2013, Section 26.