
DRAFT STATUTORY INSTRUMENTS

2013 No.

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

PART 4

Residence and presence conditions

Conditions relating to residence and presence in Great Britain

16. Subject to the following provisions of this Part, the prescribed conditions for the purposes of section 77(3) of the Act as to residence and presence in Great Britain are that on any day for which C claims personal independence payment C —

- (a) is present in Great Britain;
- (b) has been present in Great Britain for a period of, or periods amounting in aggregate to, not less than 104 weeks out of the 156 weeks immediately preceding that day;
- (c) is habitually resident in the United Kingdom, the Republic of Ireland, the Isle of Man or the Channel Islands; and
- (d) is a person —
 - (i) who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999⁽¹⁾; or
 - (ii) to whom, by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000⁽²⁾, section 115 of that Act does not apply for the purpose of personal independence payment.

⁽¹⁾ 1999 c.33. Section 115 was amended by the Act, Schedule 9, paragraph 44. There are other amendments not relevant to these Regulations.

⁽²⁾ Regulation 2 was amended by S.I. 2013/XXXX. There are other amendments not relevant to these Regulations.