

## SCHEDULE

### PERSONAL INDEPENDENCE PAYMENT: SUPPLEMENTARY PROVISIONS AND CONSEQUENTIAL AMENDMENTS

#### PART 1

#### SUPPLEMENTARY PROVISIONS

##### **Adjustment of personal independence payment where medical expenses are paid from public funds under war pensions instruments**

1.—(1) Sub-paragraph (2) applies where a person (“P”) is provided with relevant accommodation.

(2) Subject to paragraph 2, where there are payable in respect of P both a payment under article 25B or article 21 and personal independence payment which is attributable to the daily living component in accordance with section 78 of the 2012 Act, the personal independence payment, in so far as it is so attributable, is to be adjusted by deducting from it the amount of the payment under article 25B or article 21, as the case may be, and only the balance is payable.

(3) In sub-paragraph (2)—

“article 25B” means article 25B of the Personal Injuries (Civilians) Scheme 1983 (medical expenses)(1) and includes that article as applied by article 48B of that Scheme;

“article 21” means article 21 of the Service Pensions Order 2006 (medical expenses)(2);

and in both this paragraph and paragraph 2 “relevant accommodation” means accommodation provided as necessary ancillary to nursing care where the medical expenses involved are wholly borne by the Secretary of State pursuant to article 25B or article 21 and “the 2012 Act” means the Welfare Reform Act 2012.

##### **Exemption from paragraph 1**

2.—(1) Paragraph 1 does not apply to P in respect of the first 28 days of any period during which the amount of any personal independence payment attributable to the daily living component in accordance with section 78 of the 2012 Act would be liable to be adjusted by virtue of paragraph 1.

(2) For the purposes of sub-paragraph (1), two or more distinct periods separated by an interval not exceeding 28 days, or by two such intervals, are to be treated as a continuous period equal in duration to the aggregate of such distinct periods and ending on the last day of the later or last such period.

(3) For the purposes of this paragraph, a “relevant day” in relation to P means a day which fell not earlier than 28 days before the first day on which P was provided with relevant accommodation and either—

(a) was a day when P was undergoing medical treatment in a hospital or similar institution in any of the circumstances mentioned in regulation 29 of the Social Security (Personal Independence Payment) Regulations 2013(3); or

(b) was a day when P was, or would but for regulation 30 of those Regulations have been, prevented from receiving personal independence payment attributable to the daily living component by virtue of regulation 29(1) of those Regulations,

(1) S.I. 1983/686. Article 25B was substituted by the Personal Injuries (Civilians) Scheme 1999 (S.I. 1999/262).

(2) S.I. 2006/606. Paragraph (1) was amended by S.I. 2006/1455.

(3) S.I. 2013/377.

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and where there is in relation to P a relevant day, sub-paragraph (1) has effect as if for “28 days” there was substituted such lesser number of days as is produced by subtracting from 28 the number of relevant days in that case.

### **Amendment of the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992**

**3.** In paragraph 3(a) of the Schedule(4) to the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992(5)—

- (a) omit “or” at the end of paragraph (iii); and
- (b) after paragraph (iv) insert—

“or

(v) the standard or enhanced rate of the daily living component of personal independence payment under section 78(3) of the Welfare Reform Act 2012;”.

### **Amendment of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000**

**4.—(1)** The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000(6) are amended as follows.

(2) In regulation 4 (descriptions of disabled persons), after paragraph (2)(f) insert—

“(g) receives the mobility component of personal independence payment at either the standard rate or the enhanced rate under section 79(3) of the Welfare Reform Act 2012 by virtue of obtaining a score of at least 8 points in relation to the “moving around” activity in an assessment carried out under the Social Security (Personal Independence Payment) Regulations 2013.”.

(3) In regulation 6 (fee for issue and period of issue of a badge), in paragraph (2)(b)(7)—

- (a) for “or 4(2)(d)” substitute “, 4(2)(d) or 4(2)(g)”; and
- (b) in sub-paragraph (ii) for “or the mobility supplement” substitute “, the mobility supplement or the mobility component of personal independence payment.”.

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(4) Paragraph 3(a) was amended by [S.I. 1996/637](#). There are other amendments no relevant to these Regulations.

(5) [S.I. 1992/552](#).

(6) [S.I. 2000/682](#).

(7) Regulation 6(2) was substituted by [S.I. 2007/2531](#). There is an amendment which is not relevant to these Regulations.