The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 80(1) and (3) and 94(1) of the Welfare Reform Act 2012(a).

These Regulations are made under the provisions of that Act and are made before the end of a period of 6 months beginning with the coming into force of those provisions(b).

Citation and commencement

1. These Regulations may be cited as the Social Security (Personal Independence Payment) (Amendment) Regulations 2013 and come into force on 8th April 2013.

Amendment of the Social Security (Personal Independence Payment) Regulations 2013

2. In regulation 4 of the Social Security (Personal Independence Payment) Regulations 2013(e)—

(a) after paragraph (2) insert the following paragraph—

“(2A) Where C’s ability to carry out an activity is assessed, C is to be assessed as satisfying a descriptor only if C can do so—

(a) safely;
(b) to an acceptable standard;
(c) repeatedly; and
(d) within a reasonable time period.”; and

(b) after paragraph (3) insert the following paragraph—

(c) S.I. 2013/377.
“(4) In this regulation—

(a) “safely” means in a manner unlikely to cause harm to C or to another person, either during or after completion of the activity;

(b) “repeatedly” means as often as the activity being assessed is reasonably required to be completed; and

(c) “reasonable time period” means no more than twice as long as the maximum period that a person without a physical or mental condition which limits that person’s ability to carry out the activity in question would normally take to complete that activity.”

Signed by authority of the Secretary of State for Work and Pensions

Esther McVey
Parliamentary Under Secretary of State

27th February 2013
Department for Work and Pensions
EXPLANATORY NOTE
(This note is not part of the Regulations)

These Regulations amend the Social Security (Personal Independence Payment) Regulations 2013 to insert a provision into regulation 4. The provision requires that, when a claimant is being assessed for personal independence payment under those Regulations, that assessment must take into account whether the claimant can do the activity safely, to an acceptable standard, repeatedly and within a reasonable time period.

An impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.
2013 No. 455

SOCIAL SECURITY

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