
STATUTORY INSTRUMENTS

2013 No. 387

The Personal Independence Payment (Transitional Provisions) Regulations 2013

Procedure following and consequences of determination of claim for personal independence payment

17.—(1) Upon an assessment determination being made on a claim by a transfer claimant—

(a) the Secretary of State must, as soon as practicable, send the claimant written notification of the outcome of the determination, and

[^{F1}(b) except where paragraph (2) of regulation 13 applies to the claimant, the claimant's entitlement to disability living allowance shall terminate—

(i) where paragraph (1B) applies, on the earlier of—

(aa) the last day of the payment period during which the assessment determination is made, or

(bb) the first Tuesday after the making of the assessment determination;

(ii) in any other case, on the last day of the period of 28 days starting with the first pay day after the making of the assessment determination.]

[^{F2}(1A) In paragraph (1), “payment period” means a period in respect of which disability living allowance is paid to the claimant in accordance with regulation 22 of the 1987 Regulations.

(1B) This paragraph applies if—

(a) the transfer claimant is terminally ill for the purposes of section 82 of the Act,

(b) the outcome of an assessment determination in respect of that claimant is an award of personal independence payment, and

(c) the total weekly rate of personal independence payment payable by virtue of that award is greater than the total weekly rate of disability living allowance payable by virtue of that claimant's existing award of disability living allowance.]

(2) Where the outcome of an assessment determination is an award in respect of either or both components of personal independence payment, the claimant's entitlement to personal independence payment starts with effect from the day immediately following—

[^{F3}(a) the day on which the claimant's entitlement to disability living allowance terminates in accordance with paragraph (1)(b) of this regulation,]

(b) where paragraph (2) of regulation 13 applies to the claimant, the day ^{F4}... on which the claimant's entitlement to disability living allowance terminated under regulation 13(1).

(3) The notification referred to in paragraph (1) must state—

(a) except where paragraph (2) of regulation 13 applies to the claimant, the day on which the claimant's entitlement to disability living allowance will terminate in accordance with paragraph (1)(b), and

(b) if personal independence payment is awarded, the day on which the claimant's entitlement to personal independence payment starts in accordance with paragraph (2).

(4) This paragraph applies to a person—

- (a) whose claim for disability living allowance was refused,
 - (b) who claimed personal independence payment after that refusal, and
 - (c) who, as a result of the determination of legal proceedings initiated under the 1998 Act in relation to that refusal, becomes entitled, after the assessment determination, to disability living allowance.
- (5) The entitlement of a person to whom paragraph (4) applies to disability living allowance shall terminate—
- (a) where personal independence payment is awarded, on the day before that on which the person becomes entitled to personal independence payment, and
 - (b) where personal independence payment is not awarded, on the last day of the period of 28 days starting with the first pay day after the making of the assessment determination.

Annotations:

- F1** Reg. 17(1)(b) substituted (4.4.2016) by [The Personal Independence Payment \(Transitional Provisions\) \(Amendment\) Regulations 2016 \(S.I. 2016/189\)](#), regs. 1(2), **2(a)**
- F2** Reg. 17(1A)(1B) inserted (4.4.2016) by [The Personal Independence Payment \(Transitional Provisions\) \(Amendment\) Regulations 2016 \(S.I. 2016/189\)](#), regs. 1(2), **2(b)**
- F3** Reg. 17(2)(a) substituted (4.4.2016) by [The Personal Independence Payment \(Transitional Provisions\) \(Amendment\) Regulations 2016 \(S.I. 2016/189\)](#), regs. 1(2), **2(c)(i)**
- F4** Words in reg. 17(2)(b) deleted (4.4.2016) by [The Personal Independence Payment \(Transitional Provisions\) \(Amendment\) Regulations 2016 \(S.I. 2016/189\)](#), regs. 1(2), **2(c)(ii)**

Changes to legislation:

There are currently no known outstanding effects for the The Personal Independence Payment (Transitional Provisions) Regulations 2013, Section 17.