

2013 No. 455

SOCIAL SECURITY

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

<i>Made</i>	- - - -	<i>27th February 2013</i>
<i>Laid before Parliament</i>		<i>5th March 2013</i>
<i>Coming into force</i>	- -	<i>8th April 2013</i>

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(c)—

(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—

(a) 2012 c. 5.
(b) See section 173(5)(a) of the Social Security Administration Act 1992 (c. 5) (“the 1992 Act”). The requirement to refer regulations to the Social Security Advisory Committee does not apply where regulations are contained in a statutory instrument made before the end of the period of six months beginning with the coming into force of the enactment under which the regulations were made. Schedule 9, paragraph 26(a) to the Welfare Reform Act 2012 (c. 5) (“the 2012 Act”) inserted a reference to Part 4 of that Act into section 170(5) of the 1992 Act which has the effect of making that Part of the 2012 Act a ‘relevant enactment’ and therefore subject to the requirement to refer regulations to the Social Security Advisory Committee unless an exemption under section 173(5) applies.
(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
Department for Work and Pensions

27th February 2013

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.

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STATUTORY INSTRUMENTS

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