STATUTORY INSTRUMENTS

2016 No. 556

SOCIAL SECURITY

The Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations 2016

Made - - - -	*3rd May 2016*
Laid before Parliament	*9th May 2016*
Coming into force - -	*29th June 2016*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 73(1)(b) and 189(1), (4) and (5) of the Social Security Administration Act 1992(**1**) and sections 86, 93 and 94(1), (2), (3)(a) and (4) of, and paragraphs 1(1) and 3(1)(a) and (c) of Schedule 10 to, the Welfare Reform Act 2012(**2**).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations need not be referred to it(**3**).

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Disability Living Allowance and Personal Independence Payment) (Amendment) Regulations 2016.

(2) They come into force on 29th June 2016.

Amendment of the Social Security (Disability Living Allowance) Regulations 1991

2.—(1) The Social Security (Disability Living Allowance) Regulations 1991(**4**) are amended as follows.

(2) In regulation 8 (hospitalisation)—

(a) for the title, substitute "Hospitalisation of persons aged 18 or over";

(b) in paragraph (1), after "Subject to" insert "paragraph (2B) and";

(**1**) 1992 c.5 ("the 1992 Act"). A relevant amendment was made to section 73(1) by paragraph 49(2)(b) of Schedule 2 to the Jobseekers Act 1995 (c. 18). Relevant amendments were made to section 189 by paragraph 109(a) of Schedule 7 to the Social Security Act 1998 (c. 14), paragraph 57(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and Schedule 6 to the Tax Credits Act 2002 (c.21).

(**2**) 2012 c.5.

(**3**) *See* section 173(1)(b) of the 1992 Act.

(**4**) S.I. 1991/2890 amended by S.I. 1992/633, 1992/2869, 1992/3147, 1993/518, 1996/1436, 1996/1767, 1999/2860, 1999/1326, 2000/1401 and 2013/389.

(c) at the end add—

"(2B) This regulation does not apply to a person who was under the age of 18 on the day on which he entered the hospital or other similar institution referred to in paragraph (1) to begin his current period as an in-patient.".

(3) In regulation 10 (exemption from regulation 8 and 9)—

(a) omit paragraph (2);

(b) in paragraph (3) omit "or, as the case may be, paragraph (2)";

(c) in paragraph (5) for "paragraphs (1) and (2)" substitute "paragraph (1)".

(4) In regulation 12A (hospitalisation in mobility component cases)—

(a) in the title, after "Hospitalisation" insert "of persons aged 18 or over";

(b) in paragraph (1), after "Subject to" insert "paragraph (3) and";

(c) at the end add—

"(3) This regulation does not apply to a person who was under the age of 18 on the day on which he entered the hospital or other similar institution referred to in paragraph (1) to begin his current period as an in-patient.".

(5) In regulation 12B (exemption from regulation 12A)—

(a) omit paragraph (1)(b) and the word "or" preceding it;

(b) in paragraph (7), omit "or, as the case may be, paragraph (1)(b)".

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

3. In regulation 29 (hospital in-patients) of the Social Security (Personal Independence Payment) Regulations 2013(**5**)—

(a) for the title, substitute "Hospital in-patients aged 18 or over";

(b) in paragraph (1), after "Subject to" insert "paragraph (3) and";

(c) at the end add—

"(3) This regulation does not apply if C was under the age of 18 on the day on which C entered the hospital or similar institution referred to in section 86(2) of the Act to begin C's current period as an in-patient.".

Amendment of the Personal Independence Payment (Transitional Provisions) Regulations 2013

4.—(1) The Personal Independence Payment (Transitional Provisions) Regulations 2013(**6**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), after the definition of "electronic communication" insert—

""exempt person" means a DLA entitled person in respect of whom, by virtue of regulation 8(2B) or 12A(3) of the 1991 Regulations (person under the age of 18 on the day of entry into hospital), a disability living allowance is payable even though they are maintained free of charge while undergoing medical or other treatment as an in-patient in a hospital or other similar institution;".

(3) In regulation 3 (invitations to persons entitled to disability living allowance to claim personal independence payment)—

(**5**) S.I. 2013/377.
(**6**) S.I. 2013/387 amended by S.I. 2013/2231 and 2689.