STATUTORY INSTRUMENTS

2013 No. 626

SOCIAL SECURITY

The Personal Independence Payment (Consequential Amendments) Regulations 2013

Made - - - -	*14th March 2013*
Laid before Parliament	*18th March 2013*
Coming into force - -	*8th April 2013*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 92(1) and (2)(a) of the Welfare Reform Act 2012(**a**).

These Regulations are made before the end of the period of 6 months beginning with the coming into force of Part 4 of the Welfare Reform Act 2012(**b**).

Citation and commencement

1. These Regulations may be cited as the Personal Independence Payment (Consequential Amendments) Regulations 2013 and come into force on 8th April 2013, immediately after the coming into force of the Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013(**c**).

Amendment of the Community Legal Service (Financial) Regulations 2000

2.—(1) The Community Legal Service (Financial) Regulations 2000(**d**) are amended as follows.

(2) In regulation 19 (calculation of income)(**e**), after paragraph (i) insert—

"(j) any personal independence payment paid under Part 4 of the Welfare Reform Act 2012.".

(**a**) 2012 c. 5. In accordance with section 94(1) of the Welfare Reform Act 2012 ("the 2012 Act"), regulations under Part 4 of the 2012 Act are to be made by the Secretary of State.

(**b**) Part 4 of the 2012 Act has been inserted into the definition of "the relevant enactments" in section 170(5) of the Social Security Administration Act 1992 (c. 5) ("the 1992 Act") by section 91 of, and paragraph 26(a) of Schedule 9 to, the 2012 Act. Section 172(1) of the 1992 Act requires the Secretary of State to refer draft regulations made under a relevant enactment to the Social Security Advisory Committee unless an exception applies. Section 173(5)(a) of the 1992 Act provides for such an exception in relation to a statutory instrument made before the end of the period of 6 months beginning with the coming into force of the enactment under which those regulations are made.

(**c**) S.I. 2013/591.

(**d**) S.I. 2000/516.

(**e**) Paragraph 19 has been amended by S.I. 2001/3663, S.I. 2002/1766, S.I. 2004/2899, S.I. 2006/713, S.I. 2007/906, S.I. 2007/2442 and S.I. 2013/591.

Amendment of the Criminal Defence Service (General) (No.2) Regulations 2001

3.—(1) The Criminal Defence Service (General) (No.2) Regulations 2001(**a**) are amended as follows.

(2) In paragraph 8 of Schedule 1 (assessment of resources)(**b**), after sub-paragraph (1)(e) insert—

"(f) any personal independence payment paid under Part 4 of the Welfare Reform Act 2012.".

Amendment of the Criminal Defence Service (Financial Eligibility) Regulations 2006

4.—(1) The Criminal Defence Service (Financial Eligibility) Regulations 2006(**c**) are amended as follows.

(2) In the definition of "gross annual income"(**d**) in regulation (2)(1) (interpretation), after paragraph (g) insert—

"and

(h) any personal independence payment paid under Part 4 of the Welfare Reform Act 2012;".

Amendment of the Criminal Defence Service (Contribution Orders) Regulations 2009

5.—(1) The Criminal Defence Service (Contribution Orders) Regulations 2009(**e**) are amended as follows.

(2) In the definition of "gross annual income"(**f**) in regulation (2)(1) (interpretation), after paragraph (h) insert—

"and

(i) any personal independence payment paid under Part 4 of the Welfare Reform Act 2012;".

Signed by authority of the Secretary of State

McNally
Minister of State
Ministry of Justice

14th March 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to regulations made under the Access to Justice Act 1999 (c. 22) (the "1999 Act") that are consequential on the commencement of Part 4 of the Welfare Reform Act 2012 (c. 5), which makes provision in relation to an allowance known as personal independence payment. Though the regulations made under the 1999 Act are repealed on 1st April 2013 upon the commencement of paragraph 51 of Schedule 5 to the Legal Aid, Sentencing and

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(**a**) S.I. 2001/1437.
(**b**) Paragraph 8(1) has been amended by section 66(1) of the Welfare Reform and Pensions Act 1999 (c. 30), S.I. 2004/1748, S.I. 2006/2490 and S.I. 2013/591.
(**c**) S.I. 2006/2492.
(**d**) The definition of "gross annual income" in regulation (2)(1) has been amended by S.I. 2009/1887, S.I. 2009/2878 and S.I. 2013/591.
(**e**) S.I. 2009/3328.
(**f**) The definition of "gross annual income" in regulation (2)(1) has been amended by S.I. 2013/591.

Punishment of Offenders Act 2012 (c. 10), they are saved for certain cases by regulation 6 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013 (S.I. 2013/534) so it is necessary to amend the regulations to make provision for personal independence payment.

Regulations 2 to 5 each insert a reference to personal independence payment into regulations made under the 1999 Act. This adds personal independence payment in the list of payments to be disregarded from an individual's income when determining whether the individual is financially eligible for legal aid, or is liable to make a contribution towards the costs of their legally aided representation in accordance with those regulations.

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