

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Welfare Reform Act 2012, Cross Heading: General is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Welfare Reform Act 2012

2012 CHAPTER 5

PART 4

PERSONAL INDEPENDENCE PAYMENT

General

PROSPECTIVE

90 Abolition of disability living allowance

Sections 71 to 76 of the Social Security Contributions and Benefits Act 1992 (disability living allowance) are repealed.

91 Amendments

Schedule 9 contains amendments relating to this Part.

Commencement Information

- I1** S. 91 in force at 25.2.2013 for specified purposes by [S.I. 2013/358, art. 3\(d\)](#)
- I2** S. 91 in force at 25.2.2013 for specified purposes by [S.I. 2013/358, art. 2\(2\)](#), [Sch. 2 para. 43](#)
- I3** S. 91 in force at 25.2.2013 for specified purposes by [S.I. 2013/358, art. 2\(1\)](#), [Sch. 1 paras. 22, 23](#)
- I4** S. 91 in force at 8.4.2013 for specified purposes by [S.I. 2013/358, art. 7\(1\)\(2\)\(k\)](#), [Sch. 3](#)
- I5** S. 91 in force at 10.6.2013 for specified purposes by [S.I. 2013/1250, art. 2](#)

92 Power to make supplementary and consequential provision

- (1) Regulations may make such consequential, supplementary or incidental provision in relation to any provision of this Part as the Secretary of State considers appropriate.

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- (2) Regulations under this section may—
- (a) amend, repeal or revoke any primary or secondary legislation passed or made before the day on which this Act is passed, or
 - (b) amend or repeal any provision of an Act passed on or after that day but in the same session of Parliament.
- (3) In this section—
- (a) “primary legislation” means an Act or Act of the Scottish Parliament;
 - (b) “secondary legislation” means any instrument made under primary legislation.

Commencement Information

I6 S. 92 in force at 25.2.2013 by [S.I. 2013/358, art. 2\(2\)](#), [Sch. 2 para. 31](#)

93 Transitional

- (1) Regulations may make such provision as the Secretary of State considers necessary or expedient in connection with the coming into force of any provision of this Part.
- (2) Schedule 10 (transitional provision for introduction of personal independence payment) has effect.

Commencement Information

I7 S. 93 in force at 25.2.2013 by [S.I. 2013/358, art. 2\(2\)](#), [Sch. 2 para. 32](#)

94 Regulations

- (1) Regulations under this Part are to be made by the Secretary of State.
- (2) A power to make regulations under this Part may be exercised—
 - (a) so as to make different provision for different cases or purposes;
 - (b) in relation to all or only some of the cases or purposes for which it may be exercised.
- (3) Such a power includes—
 - (a) power to make incidental, supplementary, consequential or transitional provision or savings;
 - (b) power to provide for a person to exercise a discretion in dealing with any matter.
- (4) The power under subsection (2)(a) includes, in particular, power to make different provision for persons of different ages.
- (5) Regulations under this Part are to be made by statutory instrument.
- (6) A statutory instrument containing (whether alone or with other provision) any of the following—
 - (a) the first regulations under section 78(4) or 79(4);
 - (b) the first regulations under section 80;

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- (c) the first regulations under that section containing provision about assessment of persons under the age of 16, may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) Any other statutory instrument containing regulations under this Part is subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

18 S. 94 in force at 25.2.2013 by [S.I. 2013/358, art. 2\(2\)](#), [Sch. 2 para. 33](#)

95 Interpretation of Part 4

In this Part—

[^{F1}“adult disability payment” means disability assistance given in accordance with the Disability Assistance for Working Age People (Scotland) Regulations 2022;]

[^{F2}“child disability payment” means disability assistance given in accordance with the Disability Assistance for Children and Young People (Scotland) Regulations 2021 ([S.S.I. 2021/174](#));]

“daily living activities” has the meaning given by section 78(4);

“daily living component” means the daily living component of personal independence payment;

“mobility activities” has the meaning given by section 79(4);

“mobility component” means the mobility component of personal independence payment;

“prescribed” means prescribed by regulations.

Textual Amendments

F1 Words in [s. 95](#) inserted (coming into force in accordance with reg. 1(1) of the amending S.I.) by [The Scotland Act 2016 \(Social Security\) \(Adult Disability Payment and Child Disability Payment\) \(Amendment\) Regulations 2022 \(S.I. 2022/335\)](#), [reg. 3\(3\)\(a\)](#)

F2 Words in [s. 95](#) substituted (coming into force in accordance with reg. 1(1) of the amending S.I.) by [The Scotland Act 2016 \(Social Security\) \(Adult Disability Payment and Child Disability Payment\) \(Amendment\) Regulations 2022 \(S.I. 2022/335\)](#), [reg. 3\(3\)\(b\)](#)

Commencement Information

I9 S. 95 in force at 25.2.2013 for specified purposes by [S.I. 2013/358, art. 2\(1\)](#), [Sch. 1 para. 16](#)

I10 S. 95 in force at 8.4.2013 for specified purposes by [S.I. 2013/358, art. 7\(1\)\(2\)\(j\)](#), [Sch. 3](#)

I11 S. 95 in force at 10.6.2013 in so far as not already in force by [S.I. 2013/1250, art. 2](#)

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2013/1511 by [S.I. 2017/57 art. 51314Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/2657 by [S.I. 2016/596 art. 4-6Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/2657 by [S.I. 2017/57 art. 1315Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/2846 by [S.I. 2016/596 art. 347Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983 by [S.I. 2018/138 art. 3](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983 by [S.I. 2019/10 reg. 3\(1\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983 by [S.I. 2019/167 art. 5\(2\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983, art. 5A(1), 6(1) by [S.I. 2017/483 art. 2](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/1583 by [S.I. 2017/664 art. 5Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/209 by [S.I. 2016/596 art. 348Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/209 by [S.I. 2017/57 art. 1016Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2016/596 art. 59Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2016/963 art. 37813Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2017/584 art. 5Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2017/664 art. 5Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2016/596 art. 3-510Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2016/963 art. 46-1214Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2017/57 art. 3-9111217Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2017/584 art. 346-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2017/664 art. 3-57-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2016/596 art. 3411Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2016/963 art. 3-1215Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2017/57 art. 3-7912Sch.](#)

- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2017/584 art. 346-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2017/664 art. 3-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2018/138 art. 6](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2019/10 reg. 3\(2\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2019/167 art. 5\(3\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2019/37 art. 5](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33, art. 6(11) by [S.I. 2017/483 art. 3](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2018/138 art. 6](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2019/10 reg. 3\(3\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2019/167 art. 5\(4\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2019/37 art. 5](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634, art. 7(2) by [S.I. 2017/376 reg. 4](#)
- specified provision(s) amendment to earlier commencing S.I. 2016/596 by [S.I. 2016/963 art. 17](#)
- specified provision(s) amendment to earlier commencing S.I. 2019/37 by [S.I. 2019/935 art. 2](#)
- specified provision(s) modification of earlier commencing S.I. 2014/1583 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2014/2321 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2015/101 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2015/1537 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2015/634 by [S.I. 2018/532 art. 5](#)