



Welfare Reform Act 2012

2012 CHAPTER 5

PART 4

PERSONAL INDEPENDENCE PAYMENT

Personal independence payment

77 Personal independence payment

- (1) An allowance known as personal independence payment is payable in accordance with this Part.
- (2) A person's entitlement to personal independence payment may be an entitlement to—
 - (a) the daily living component (see section 78);
 - (b) the mobility component (see section 79); or
 - (c) both those components.
- (3) A person is not entitled to personal independence payment unless the person meets prescribed conditions relating to residence and presence in Great Britain.
- [^{F1}(4) A person is not entitled to personal independence payment while they are entitled to [^{F2}adult disability payment or child disability payment].]

Textual Amendments

- F1** S. 77(4) inserted (26.7.2021) by [The Scotland Act 2016 \(Social Security\) \(Consequential Provision\) \(Miscellaneous Amendment\) Regulations 2021 \(S.I. 2021/804\)](#), regs. 1(2), **3(2)**
- F2** Words in s. 77(4) 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(2)**

Commencement Information

- I1** S. 77(1)(2)(3) in force at 8.4.2013 for specified purposes by [S.I. 2013/358](#), art. 7(1)(2)(a), **Sch. 3**
- I2** S. 77(1)(2)(3) in force at 10.6.2013 in so far as not already in force by [S.I. 2013/1250](#), **art. 2**

Changes to legislation: Welfare Reform Act 2012, Cross Heading: Personal independence payment is up to date with all changes known to be in force on or before 17 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

I3 S. 77(3) in force at 25.2.2013 for specified purposes by [S.I. 2013/358, art. 2\(1\)](#), [Sch. 1 para. 13](#)

78 Daily living component

- (1) A person is entitled to the daily living component at the standard rate if—
 - (a) the person's ability to carry out daily living activities is limited by the person's physical or mental condition; and
 - (b) the person meets the required period condition.
- (2) A person is entitled to the daily living component at the enhanced rate if—
 - (a) the person's ability to carry out daily living activities is severely limited by the person's physical or mental condition; and
 - (b) the person meets the required period condition.
- (3) In this section, in relation to the daily living component—
 - (a) “the standard rate” means such weekly rate as may be prescribed;
 - (b) “the enhanced rate” means such weekly rate as may be prescribed.
- (4) In this Part “daily living activities” means such activities as may be prescribed for the purposes of this section.
- (5) See sections 80 and 81 for provision about determining—
 - (a) whether the requirements of subsection (1)(a) or (2)(a) above are met;
 - (b) whether a person meets “the required period condition” for the purposes of subsection (1)(b) or (2)(b) above.
- (6) This section is subject to the provisions of this Part, or regulations under it, relating to entitlement to the daily living component (see in particular sections 82 (persons who are terminally ill) and 83 (persons of pensionable age)).

Commencement Information

- I4** S. 78(1)(2)(5)(6) in force at 8.4.2013 for specified purposes by [S.I. 2013/358, art. 7\(1\)\(2\)\(b\)](#), [Sch. 3](#)
I5 S. 78(1)(2)(5)(6) in force at 10.6.2013 in so far as not already in force by [S.I. 2013/1250, art. 2](#)
I6 S. 78(3)(4) in force at 25.2.2013 by [S.I. 2013/358, art. 2\(2\)](#), [Sch. 2 para. 25](#)

79 Mobility component

- (1) A person is entitled to the mobility component at the standard rate if—
 - (a) the person is of or over the age prescribed for the purposes of this subsection;
 - (b) the person's ability to carry out mobility activities is limited by the person's physical or mental condition; and
 - (c) the person meets the required period condition.
- (2) A person is entitled to the mobility component at the enhanced rate if—
 - (a) the person is of or over the age prescribed for the purposes of this subsection;
 - (b) the person's ability to carry out mobility activities is severely limited by the person's physical or mental condition; and
 - (c) the person meets the required period condition.
- (3) In this section, in relation to the mobility component—

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- (a) “the standard rate” means such weekly rate as may be prescribed;
 - (b) “the enhanced rate” means such weekly rate as may be prescribed.
- (4) In this Part “mobility activities” means such activities as may be prescribed for the purposes of this section.
- (5) See sections 80 and 81 for provision about determining—
- (a) whether the requirements of subsection (1)(b) or (2)(b) above are met;
 - (b) whether a person meets “the required period condition” for the purposes of subsection (1)(c) or (2)(c) above.
- (6) This section is subject to the provisions of this Part, or regulations under it, relating to entitlement to the mobility component (see in particular sections 82 and 83).
- (7) Regulations may provide that a person is not entitled to the mobility component for a period (even though the requirements in subsection (1) or (2) are met) in prescribed circumstances where the person's condition is such that during all or most of the period the person is unlikely to benefit from enhanced mobility.

Commencement Information

- I7** S. 79(1)(2)(5)(6) in force at 8.4.2013 for specified purposes by [S.I. 2013/358](#), [art. 7\(1\)\(2\)\(c\)](#), [Sch. 3](#)
- I8** S. 79(1)(2)(5)(6) in force at 10.6.2013 in so far as not already in force by [S.I. 2013/1250](#), [art. 2](#)
- I9** S. 79(3)(4)(7) in force at 25.2.2013 by [S.I. 2013/358](#), [art. 2\(2\)](#), [Sch. 2 para. 26](#)

80 Ability to carry out daily living activities or mobility activities

- (1) For the purposes of this Part, the following questions are to be determined in accordance with regulations—
- (a) whether a person's ability to carry out daily living activities is limited by the person's physical or mental condition;
 - (b) whether a person's ability to carry out daily living activities is severely limited by the person's physical or mental condition;
 - (c) whether a person's ability to carry out mobility activities is limited by the person's physical or mental condition;
 - (d) whether a person's ability to carry out mobility activities is severely limited by the person's physical or mental condition.
- (2) Regulations must make provision for determining, for the purposes of each of sections 78(1) and (2) and 79(1) and (2), whether a person meets “the required period condition” (see further section 81).
- (3) Regulations under this section—
- (a) must provide for the questions mentioned in subsections (1) and (2) to be determined, except in prescribed circumstances, on the basis of an assessment (or repeated assessments) of the person;
 - (b) must provide for the way in which an assessment is to be carried out;
 - (c) may make provision about matters which are, or are not, to be taken into account in assessing a person.
- (4) The regulations may, in particular, make provision—

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- (a) about the information or evidence required for the purpose of determining the questions mentioned in subsections (1) and (2);
 - (b) about the way in which that information or evidence is to be provided;
 - (c) requiring a person to participate in such a consultation, with a person approved by the Secretary of State, as may be determined under the regulations (and to attend for the consultation at a place, date and time determined under the regulations).
- (5) The regulations may include provision—
- (a) for a negative determination to be treated as made if a person fails without a good reason to comply with a requirement imposed under subsection (4);
 - (b) about what does or does not constitute a good reason for such a failure;
 - (c) about matters which are, or are not, to be taken into account in determining whether a person has a good reason for such a failure.
- (6) In subsection (5)(a) a “negative determination” means a determination that a person does not meet the requirements of—
- (a) section 78(1)(a) and (b) or (2)(a) and (b) (daily living component);
 - (b) section 79(1)(a) to (c) or (2)(a) to (c) (mobility component).

Commencement Information

I10 S. 80 in force at 25.2.2013 by [S.I. 2013/358, art. 2\(2\)](#), [Sch. 2 para. 27](#)

81 Required period condition: further provision

- (1) Regulations under section 80(2) must provide for the question of whether a person meets “the required period condition” for the purposes of section 78(1) or (2) or 79(1) or (2) to be determined by reference to—
- (a) whether, as respects every time in the previous 3 months, it is likely that if the relevant ability had been assessed at that time that ability would have been determined to be limited or (as the case may be) severely limited by the person's physical or mental condition; and
 - (b) whether, as respects every time in the next 9 months, it is likely that if the relevant ability were to be assessed at that time that ability would be determined to be limited or (as the case may be) severely limited by the person's physical or mental condition.
- (2) In subsection (1) “the relevant ability” means—
- (a) in relation to section 78(1) or (2), the person's ability to carry out daily living activities;
 - (b) in relation to section 79(1) or (2), the person's ability to carry out mobility activities.
- (3) In subsection (1)—
- (a) “assessed” means assessed in accordance with regulations under section 80;
 - (b) “the previous 3 months” means the 3 months ending with the prescribed date;
 - (c) “the next 9 months” means the 9 months beginning with the day after that date.

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- (4) Regulations under section 80(2) may provide that in prescribed cases the question of whether a person meets “the required period condition” for the purposes of section 78(1) or (2) or 79(1) or (2)—
- (a) is not to be determined in accordance with the provision made by virtue of subsections (1) to (3) above;
 - (b) is to be determined in accordance with provision made in relation to those cases by the regulations.

Commencement Information

III S. 81 in force at 25.2.2013 by [S.I. 2013/358](#), art. 2(2), [Sch. 2 para. 28](#)

Changes to legislation:

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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](#)