

SCHEDULES

SCHEDULE 9

Section 91

PERSONAL INDEPENDENCE PAYMENT: AMENDMENTS

Transport Act 1982 (c. 49)

- 1 In section 70 of the Transport Act 1982 (payments in respect of applicants for exemption from wearing seat belts), in subsection (2), after paragraph (a) there is inserted—
- “(ab) those in receipt of personal independence payment;”.

Child Support Act 1991 (c. 48)

- 2 In section 8 of the Child Support Act 1991 (role of courts with respect to maintenance for children), in subsection (8)(a), at the beginning there is inserted “an allowance under Part 4 of the Welfare Reform Act 2012 (personal independence payment) or”.

Social Security Contributions and Benefits Act 1992 (c. 4)

- 3 The Social Security Contributions and Benefits Act 1992 is amended as follows.
- 4 In section 30B (incapacity benefit: rate), in subsection (4), after paragraph (a) there is inserted—
- “(aa) is entitled to the daily living component of personal independence payment at a rate designated by regulations under this paragraph, or”.
- 5 (1) Section 64 (entitlement to attendance allowance) is amended as follows.
- (2) In subsection (1), for “the care component of a disability living allowance” there is substituted “an allowance within subsection (1A)”.
- (3) After subsection (1) there is inserted—
- “(1A) The following allowances are within this subsection—
- (a) personal independence payment;
- (b) the care component of a disability living allowance.”
- 6 In section 150 (Christmas bonus for pensioners: interpretation), in subsection (1), after paragraph (ba) there is inserted—
- “(bb) personal independence payment;”.

Social Security Administration Act 1992 (c. 5)

- 7 The Social Security Administration Act 1992 is amended as follows.
- 8 (1) Section 1 (entitlement to benefit dependent on claim) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (3)—
- (a) before paragraph (a) there is inserted—
- “(za) for personal independence payment by virtue of section 82 of the Welfare Reform Act 2012; or”;
- (b) paragraph (b) and the “or” preceding it is repealed.
- (3) In subsection (4), after paragraph (ac) there is inserted—
- “(ad) personal independence payment.”
- 9 In section 5(2) (regulations about claims for and payments of benefit), after paragraph (ac) there is inserted—
- “(ad) personal independence payment;”.
- 10 In section 71(11) (overpayments), after paragraph (ac) there is inserted—
- “(ad) personal independence payment;”.
- 11 In section 73 (overlapping benefits - general), after subsection (5) there is inserted—
- “(6) Personal independence payment is to be treated for the purposes of this section as if it were benefit as defined in section 122 of the Contributions and Benefits Act.”
- 12 In section 121DA (interpretation of Part 6), in subsection (1), after paragraph (hj) (inserted by Schedule 2 to this Act) there is inserted—
- “(hk) Part 4 of that Act;”.
- 13 In section 122B (supply of other government information for fraud prevention and verification), in subsection (3)(b), after “Welfare Reform Act 2012” (inserted by Schedule 2 to this Act) there is inserted “, Part 4 of that Act”.
- 14 In section 122C (supply of information to authorities administering benefit), in subsection (6)(b), after “Welfare Reform Act 2007” there is inserted “, Part 4 of the Welfare Reform Act 2012”.
- 15 In section 124 (age, death and marriage), in subsection (1), after paragraph (ad) (inserted by Schedule 2 to this Act) there is inserted—
- “(ae) of the provisions of Part 4 of that Act;”.
- 16 In section 125 (regulations as to notification of deaths), in subsection (1), after “Welfare Reform Act 2012” (inserted by Schedule 2 to this Act) there is inserted “, Part 4 of that Act”.
- 17 In section 150 (uprating)—
- (a) in subsection (1), after paragraph (n) (inserted by Schedule 2 to this Act) there is inserted—
- “(o) specified in regulations under section 78(3) or 79(3) of that Act;”;
- (b) in subsection (3)(b), for “or (g)” there is substituted “, (g) or (o)”.
- 18 In section 159 (effect of alteration in the component rates of income support), in subsection (5), in the definition of “benefit income”, after “income support;” there is inserted—
- “(aa) personal independence payment;”.

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- 19 In section 159A (effect of alteration of rates of a jobseeker’s allowance), in subsection (5), in the definition of “benefit income”, after “Contributions and Benefits Act;” there is inserted—
“(ab) personal independence payment;”.
- 20 In section 159B (effect of alterations affecting state pension credit), in subsection (6), in the definition of “benefit income”, after “Contributions and Benefits Act” there is inserted “or personal independence payment”.
- 21 In section 159C (effect of alteration of rates of an employment and support allowance), in subsection (6), in the definition of “benefit income”, after “Contributions and Benefits Act” there is inserted “or personal independence payment”.
- 22 In section 160 (implementation of increases in income support due to attainment of particular ages), in subsection (3), after “entitlement to” there is inserted “personal independence payment or to”.
- 23 In section 160A (implementation of increases in income-based jobseeker’s allowance due to attainment of particular ages), in subsection (3), after “Contributions and Benefits Act;” there is inserted—
“(aa) personal independence payment;”.
- 24 In section 160B (implementation of increases in employment and support allowance due to attainment of particular ages), in subsection (3), for the words from “a benefit” to the end there is substituted—
“(a) a benefit under the Contributions and Benefits Act; or
(b) personal independence payment.”
- 25 In section 165 (adjustments between National Insurance Fund and Consolidated Fund), in subsection (1)(a)(iii), after “universal credit” (inserted by Schedule 2 to this Act) there is inserted “, personal independence payment”.
- 26 In section 170 (Social Security Advisory Committee), in subsection (5)—
(a) in the definition of “the relevant enactments”, after paragraph (ak) (inserted by Schedule 2 to this Act) there is inserted—
“(al) Part 4 of that Act;”;
(b) in the definition of “the relevant Northern Ireland enactments”, after paragraph (ak) (inserted by Schedule 2 to this Act) there is inserted—
“(al) any provisions in Northern Ireland which correspond to Part 4 of that Act;”.
- 27 (1) Section 179 (reciprocal agreements) is amended as follows.
(2) In subsection (3)(a), after “Welfare Reform Act 2012” (inserted by Schedule 2 to this Act) there is inserted “, Part 4 of that Act”.
(3) In subsection (4), after paragraph (ag) (inserted by Schedule 2 to this Act) there is inserted—
“(ah) to Part 4 of that Act;”.
- 28 In section 180 (payment of travelling expenses), in paragraphs (a) and (b)(i), after “Welfare Reform Act 2012” (inserted by Schedule 2 to this Act) there is inserted “, Part 4 of that Act”.

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- 29 In section 182B (information about postal redirection), in subsection (5)(b), after “Welfare Reform Act 2012” (inserted by Schedule 2 to this Act) there is inserted “, Part 4 of that Act”.
- 30 In section 184 (control of pneumoconiosis), in paragraph (c), for “benefit as defined in section 122 of the Contributions and Benefits Act” there is substituted “personal independence payment, or benefit as defined in section 122 of the Contributions and Benefits Act,”.
- 31 In section 187 (inalienability), in subsection (1), after paragraph (ac) there is inserted—
“(ad) personal independence payment;”.
- 32 In section 191 (interpretation), in the definition of “benefit”, for “, state pension credit and an employment and support allowance” there is substituted “state pension credit, an employment and support allowance and personal independence payment”.
- 33 In Schedule 7 (regulations not requiring prior submission to Social Security Advisory Committee), before paragraph 1 there is inserted—

“Personal independence payment

- A1 Regulations under section 78(3) or 79(3) of the Welfare Reform Act 2012.”

Social Security (Recovery of Benefits) Act 1997 (c. 27)

- 34 The Social Security (Recovery of Benefits) Act 1997 is amended as follows.
- 35 In section 29 (general interpretation), in the definition of “benefit”, after “employment and support allowance” there is inserted “, personal independence payment”.
- 36 In Schedule 2 (calculation of compensation payment), in the table—
- (a) in the section relating to compensation for cost of care incurred during the relevant period, in the second column, after the entry for attendance allowance there is inserted “Daily living component of personal independence payment”;
 - (b) in the section relating to compensation for loss of mobility during the relevant period, in the second column, after the entry for mobility allowance there is inserted “Mobility component of personal independence payment”.

Social Security Act 1998 (c. 14)

- 37 The Social Security Act 1998 is amended as follows.
- 38 In section 2(2) (use of computers), after paragraph (k) (inserted by Schedule 2 to this Act) there is inserted “or
(l) Part 4 of that Act.”
- 39 In section 8 (decisions by Secretary of State)—
- (a) in subsection (3), after paragraph (ba) there is inserted—
“(baa) personal independence payment;”;
 - (b) in subsection (4), after the words “Welfare Reform Act 2012” (inserted by Schedule 2 to this Act) there is inserted “or Part 4 of that Act.”

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- 40 In section 11(3) (regulations with respect to decisions), in the definition of “current legislation”, after the words “Welfare Reform Act 2012” (inserted by Schedule 2 to this Act) there is inserted “and Part 4 of that Act”.
- 41 In section 27(7) (restriction on entitlement in cases of error), in the definition of “benefit”—
- (a) after paragraph (de) there is inserted—
 - “(df) personal independence payment;”;
 - (b) in paragraph (e) for “to (de)” there is substituted “to (df)”.
- 42 In section 28(3) (correction of errors in decisions etc), after paragraph (h) (inserted by Schedule 2 to this Act) there is inserted “or
- (i) Part 4 of that Act.”
- 43 In Schedule 3 (decisions against which an appeal lies), in paragraph 3—
- (a) in paragraph (f), the final “or” is repealed;
 - (b) after paragraph (g) there is inserted—
 - “(h) regulations made under section 85(1) or 86(1) of the Welfare Reform Act 2012;
 - (i) section 87 of that Act.”

Immigration and Asylum Act 1999 (c. 33)

- 44 In section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits)—
- (a) in subsection (1), after “support allowance)” there is inserted “or to personal independence payment”;
 - (b) in subsection (2), at the beginning of paragraph (b) there is inserted “disability living allowance or”.

Social Security Fraud Act 2001 (c. 11)

- 45 The Social Security Fraud Act 2001 is amended as follows.
- 46 In section 6A(1) (definitions)—
- (a) in the definition of “disqualifying benefit”, after paragraph (c) there is inserted—
 - “(ca) any benefit under Part 4 of the Welfare Reform Act 2012 (personal independence payment) or under any provision in Northern Ireland which corresponds to that Part;”;
 - (b) in the definition of “sanctionable benefit”, after paragraph (c) there is inserted—
 - “(ca) personal independence payment;”.
- 47 In section 10 (power to supplement and mitigate loss of benefit provisions), in subsection (3), after paragraph (bd) (inserted by Schedule 2 to this Act) there is inserted—
- “(be) any benefit under Part 4 of the Welfare Reform Act 2012 (personal independence payment) or under any provision in Northern Ireland which corresponds to that Part;”.

Income Tax (Earnings and Pensions) Act 2003 (c. 1)

- 48 The Income Tax (Earnings and Pensions) Act 2003 is amended as follows.

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49 In section 677 (UK social security benefits wholly exempt from tax), in subsection (1), at the appropriate place in Part 1 of Table B there is inserted—

“Personal independence payment	WRA 2012	Section 77
	Any provision made for Northern Ireland which corresponds to section 77 of WRA 2012”	

50 In Part 1 of Schedule 1 (abbreviations of Acts), at the end there is inserted—

“WRA 2012	The Welfare Reform Act 2012”
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