

WELFARE REFORM ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Personal independence payment

Section 79: Mobility component

370. *Section 79* sets out basic entitlement conditions to the different rates of the mobility component of personal independence payment.
371. *Subsection (1)* provides that a person is entitled to the standard rate of the mobility component if they are of or over an age prescribed in regulations and if their ability to carry out mobility activities is limited by their physical or mental condition. If a person's ability is severely limited by their physical or mental condition and they are over an age prescribed in regulations *subsection (2)* provides for that person to be entitled to the enhanced rate. Whether an individual has limited ability or severely limited ability will be determined by an assessment set out under *section 80*. Sensory, intellectual and cognitive impairments may be relevant to a person's physical or mental condition and therefore to the question of whether the person's ability to carry out mobility activities is limited or severely limited.
372. *Subsections (1)(c)* and *(2)(c)* provide that to be entitled to either the standard or enhanced rate of the mobility component, the person must also meet the required period condition. This is outlined in the notes relating to *section 81*. The required period condition also applies where personal independence payment is subject to review, subject to certain exceptions which will be set out in regulations made under powers in section 81.
373. *Subsection (3)* provides that the standard and enhanced rates are weekly rates which are to be specified in regulations.
374. *Subsection (4)* provides for the activities relating to the mobility component – “mobility activities” – to be prescribed in regulations. It is envisaged that these may include, but not be limited to, activities relating to the ability of the individual to get around both inside and outside their home. The ‘mobility activities’ could include, for example, planning a journey or using transport. The first regulations under this subsection will be subject to the affirmative resolution procedure.
375. *Subsection (5)* refers to *sections 80* and *81* which set out how a person's ability to carry out mobility activities is to be assessed and how the required period conditions operate.
376. *Subsection (6)* makes clear that this section is subject to other provisions of Part 4, or to regulations under it. For example if a person is over pensionable age, it is not normally the case that they would be entitled to the mobility component.
377. *Subsection (7)* provides that regulations may specify when a person is not entitled to the mobility component for a period, despite fulfilling the eligibility requirements. For example, while a person in a coma or vegetative state clearly has severely limited mobility they would not be in a position to benefit from mobility assistance.