



Welfare Reform Act 2012

2012 CHAPTER 5

PART 4

PERSONAL INDEPENDENCE PAYMENT

General

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Sections 71 to 76 of the Social Security Contributions and Benefits Act 1992 (disability living allowance) are repealed.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

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.
- (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.

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.

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;
 - (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.

95 Interpretation of Part 4

In this Part—

- “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.