

SCHEDULE

PERSONAL INDEPENDENCE PAYMENT: SUPPLEMENTARY PROVISIONS AND CONSEQUENTIAL AMENDMENTS

PART 2

CONSEQUENTIAL AMENDMENTS

Amendment of the Social Security Administration Act 1992

6. After section 159D(1) of the Social Security Administration Act 1992(2) insert—

“159E. Effect of alteration of rates of personal independence payment

(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) shall have effect where—

- (a) an award of personal independence payment is in force in favour of any person (“the recipient”); and
- (b) an alteration in the rate of any component of personal independence payment affects the amount of personal independence payment to which he is entitled.

(2) Where, as a result of the alteration, the amount of personal independence payment to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of personal independence payment in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of personal independence payment as before, the award shall continue in force accordingly.

(4) Subsection (5) applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

- (a) the amount of the alteration in the rate of any component of personal independence payment which he proposes to make by an order under section 150 or 152 or by or under any other enactment, and
- (b) the date on which he proposes to bring the alteration in force (“the proposed commencing date”).

(5) If, in a case where this subsection applies, an award of personal independence payment is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—

- (a) may provide for personal independence payment to be paid as from the proposed commencing date by reference to the rates of the component of personal independence payment which will be in force on that date, or
- (b) may be expressed in terms of the rates of those components in force at the date of the award.

(6) In this section—

“alteration” means alteration by or under any enactment;

(1) Section 159D was inserted by the Welfare Reform Act 2012, Schedule 2, paragraph 23.

(2) 1992 c.5.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

“component”, in relation to personal independence payment, means the daily living component or mobility component (see sections 78 and 79 of the Welfare Reform Act 2012).”.