

WELFARE REFORM ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Personal independence payment

Schedule 9: Amendments relating to Part 4

Social Security Act 1998

438. Section 2 of SSA 1998 provides that decisions, determinations and assessments in relation to specified benefits may be issued by someone acting on behalf of the Secretary of State or by a computer that they are responsible for. *Paragraph 38* extends the scope of the benefits that are subject to this provision to include personal independence payment.
439. Section 8 of SSA 1998 provides that decisions on any claim to a specified benefit or under a specified enactment are to be made by the Secretary of State. *Paragraph 39* extends the scope of the benefits that are subject to these provisions to include personal independence payment. As a result of this amendment, provisions in relation to changing a decision (by way of revision or supersession) and rights of appeal are also extended to include personal independence payment.
440. Section 11 of SSA 1998 allows for provision to be made in regulations with respect to decisions made by the Secretary of State in relation to specified legislation. *Paragraph 40* extends the scope of the legislation to include Part 4 of the Act.
441. Sections 27 and 28 of SSA 1998 allow for restrictions on entitlement to benefit made under specified enactments in circumstances relating to cases of error following an appeal to the Upper Tribunal or to the courts and correcting accidental errors or setting aside decisions where it appears justifiable to do so. *Paragraphs 41 and 42* extend the scope of the legislation to include personal independence payment and the legislation under which it is created.
442. *Schedule 3* to SSA 1998 makes clear that decisions on payability of the care component of disability living allowance when someone is in a care home are subject to rights of appeal. *Paragraph 43* ensures that similar decisions for the purposes of personal independence payment under section 85 are also subject to rights of appeal.