



Welfare Reform Act 2012

2012 CHAPTER 5

PART 4

PERSONAL INDEPENDENCE PAYMENT

Personal independence payment

80 Ability to carry out daily living activities or mobility activities

- (1) For the purposes of this Part, the following questions are to be determined in accordance with regulations—
 - (a) whether a person's ability to carry out daily living activities is limited by the person's physical or mental condition;
 - (b) whether a person's ability to carry out daily living activities is severely limited by the person's physical or mental condition;
 - (c) whether a person's ability to carry out mobility activities is limited by the person's physical or mental condition;
 - (d) whether a person's ability to carry out mobility activities is severely limited by the person's physical or mental condition.
- (2) Regulations must make provision for determining, for the purposes of each of sections 78(1) and (2) and 79(1) and (2), whether a person meets “the required period condition” (see further section 81).
- (3) Regulations under this section—
 - (a) must provide for the questions mentioned in subsections (1) and (2) to be determined, except in prescribed circumstances, on the basis of an assessment (or repeated assessments) of the person;
 - (b) must provide for the way in which an assessment is to be carried out;
 - (c) may make provision about matters which are, or are not, to be taken into account in assessing a person.
- (4) The regulations may, in particular, make provision—

Status: Point in time view as at 23/06/2014.

Changes to legislation: Welfare Reform Act 2012, Section 80 is up to date with all changes known to be in force on or before 01 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) about the information or evidence required for the purpose of determining the questions mentioned in subsections (1) and (2);
 - (b) about the way in which that information or evidence is to be provided;
 - (c) requiring a person to participate in such a consultation, with a person approved by the Secretary of State, as may be determined under the regulations (and to attend for the consultation at a place, date and time determined under the regulations).
- (5) The regulations may include provision—
- (a) for a negative determination to be treated as made if a person fails without a good reason to comply with a requirement imposed under subsection (4);
 - (b) about what does or does not constitute a good reason for such a failure;
 - (c) about matters which are, or are not, to be taken into account in determining whether a person has a good reason for such a failure.
- (6) In subsection (5)(a) a “negative determination” means a determination that a person does not meet the requirements of—
- (a) section 78(1)(a) and (b) or (2)(a) and (b) (daily living component);
 - (b) section 79(1)(a) to (c) or (2)(a) to (c) (mobility component).

Commencement Information

II S. 80 in force at 25.2.2013 by S.I. 2013/358, art. 2(2), Sch. 2 para. 27

Status:

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