
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 320

**The Social Security (Residence Requirements)
(Afghanistan) (Scotland) Regulations 2021**

Amendment of disability and carers benefit legislation

2.—(1) The provisions specified in paragraph (5) are amended in accordance with paragraphs (2), (3), (4), (6), (7), (8) and (9).

(2) For the heading substitute “Refugees and certain persons with leave to enter and remain in the United Kingdom”.

(3) In paragraph (1)—

(a) at the end of sub-paragraph (a), omit “or”,

(b) after sub-paragraph (b) insert—

“(c) leave to enter or remain in the United Kingdom granted under the immigration rules by virtue of—

(i) the Afghan Relocations and Assistance Policy, or

(ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme),

(d) been granted discretionary leave outside the immigration rules as a dependant of a person referred to in sub-paragraph (c), or

(e) leave granted under the Afghan Citizens Resettlement Scheme.”.

(4) For paragraph (2) substitute—

“(2) For the purposes of this regulation—

(a) “immigration rules” means the rules laid before Parliament under section 3(2) of the Immigration Act 1971⁽¹⁾,

(b) “the Afghan Citizens Resettlement Scheme” means the scheme announced by the United Kingdom Government on 18 August 2021⁽²⁾.”.

(5) The provisions mentioned in paragraph (1) are—

(a) regulation 9C of the Social Security (Invalid Care Allowance) Regulations 1976⁽³⁾ (“the CA Regulations”),

(b) regulation 2C of the Social Security (Attendance Allowance) Regulations 1991⁽⁴⁾ (“the AA Regulations”),

(c) regulation 2C of the Social Security (Disability Living Allowance) Regulations 1991⁽⁵⁾ (“the DLA Regulations”), and

(1) 1971 c. 77. See Part 7 of the Immigration Rules; the relevant rules are Rules 276BA1 – 276BS2.

(2) <https://www.gov.uk/guidance/afghan-citizens-resettlement-scheme>.

(3) S.I. 1976/409. Regulation 9C is inserted by S.I. 2017/1015.

(4) S.I. 1991/2740. Regulation 9C is inserted by S.I. 2017/1015.

(5) S.I. 1991/2890. Regulation 2C is inserted by S.I. 2017/1015.

- (d) regulation 23A of the Social Security (Personal Independence Payment) Regulations 2013(6) (“the PIP Regulations”).
- (6) In regulation 9C of the CA Regulations, after paragraph (1) insert—
 - “(1A) Regulation 9(1)(a) shall not apply where paragraph (1)(c), (d) or (e) applies to the person.”.
- (7) In regulation 2C of the AA Regulations, after paragraph (1) insert—
 - “(1A) Regulation 2(1)(a)(i) shall not apply where paragraph (1)(c), (d) or (e) applies to the person.”.
- (8) In regulation 2C of the DLA Regulations, after paragraph (1) insert—
 - “(1A) Regulation 2(1)(a)(i) shall not apply where paragraph (1)(c), (d) or (e) applies to the person.”.
- (9) In regulation 23A of the PIP Regulations, after paragraph (1) insert—
 - “(1A) Regulation 16(c) does not apply in relation to a claim for personal independence payment where paragraph (1)(c), (d) or (e) applies to C.”.