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DRAFT STATUTORY INSTRUMENTS

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**2021 No.**

**The Scotland Act 2016 (Social Security) (Consequential Provision) (Miscellaneous Amendment) Regulations 2021**

**PART 5**

Amendment of secondary legislation: Northern Ireland

*Persons moving from Scotland to Northern Ireland: Disability Living Allowance and Personal Independence Payment*

**Amendment of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992**

7.—(1) Regulation 2 of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992<sup>(1)</sup> (conditions as to residence and presence in Northern Ireland)<sup>(2)</sup> is amended as follows.

(2) Before paragraph (2) insert—

“(1ZA) A person to whom regulation 36(1) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 applies shall be treated for the period set out in that regulation as though he does not satisfy the condition in paragraph (1)(a)(i) of this regulation.”.

**Amendment of the Personal Independence Payment Regulations (Northern Ireland) 2016**

8.—(1) The Personal Independence Payment Regulations (Northern Ireland) 2016<sup>(3)</sup> are amended as follows.

(2) In Part 4 (residence and presence conditions), before regulation 23A (refugees)<sup>(4)</sup> insert—

**“Persons in receipt of an equivalent Scottish benefit who move from Scotland to Northern Ireland**

**23ZA.** Where regulation 36(1) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 applies to C, regulation 16(c) of these Regulations is treated as not satisfied for the period set out in regulation 36(1) of those Regulations.”.

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(1) S.R. 1992 No. 32.

(2) Regulation 2(2) was amended by regulation 2(3)(a) of S.R. 1993 No. 340, regulation 3(2) of S.R. 1997 No. 69, regulation 9(a) of S.R. 2000 No. 71, regulation 8 of S.R. 2006 No. 359, regulation 4(3)(a)(i), (ii) and (iii) of S.R. 2016 No. 229, and regulation 8(2) of S.R. 2017 No. 218.

(3) S.R. 2016 No. 217.

(4) Regulation 23A was inserted by regulation 15 of S.R. 2017 No. 218.