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DRAFT STATUTORY INSTRUMENTS

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**2021 No.**

The Social Security (Scotland) Act 2018 (Disability Assistance, Young Carer Grants, Short-term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2021

PART 3

Disability assistance: England and Wales, and Scotland

*Disability assistance: capital and income disregards*

**Amendment of the Income Support (General) Regulations 1987**

**11.**—(1) The Income Support (General) Regulations 1987(1) are amended as follows.

(2) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), after paragraph 85 insert—

“**86.** Any disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018(2).”.

(3) In Schedule 10 (capital to be disregarded), in paragraph 7(1)(a), for “84 or 85” substitute “84, 85 or 86”.

**Amendment of the Jobseeker’s Allowance Regulations 1996**

**12.**—(1) The Jobseeker’s Allowance Regulations 1996(3) are amended as follows.

(2) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings), after paragraph 81 insert—

“**82.** Any disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018.”.

(3) In Schedule 8 (capital to be disregarded), in paragraph 12(1)(a), for “80 or 81” substitute “80, 81 or 82”.

**Amendment of the State Pension Credit Regulations 2002**

**13.**—(1) The State Pension Credit Regulations 2002(4) are amended as follows.

(2) In regulation 15(1) (social security benefits that are not prescribed as income for the purposes of section 15(1)(e) of the State Pension Credit Act 2002), after sub-paragraph (rg) insert—

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(1) S.I. 1987/1967; relevant amending instruments are S.I. 2019/1060, S.I. 2019/1314, S.I. 2020/482 and S.I. 2020/989.

(2) 2018 asp 9.

(3) S.I. 1996/207; relevant amending instruments are S.I. 2019/1060, S.I. 2019/1314, S.I. 2020/482 and S.I. 2020/989.

(4) S.I. 2002/1792; relevant amending instruments are S.I. 2019/1060, S.I. 2019/1314, S.I. 2020/482 and S.I. 2020/989.

“(rh) disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018;”.

(3) In Part 1 of Schedule 5 (capital disregarded for the purpose of calculating income), in paragraph 20, after sub-paragraph (2)(x) insert—

“(y) disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018.”.

#### **Amendment of the Housing Benefit Regulations 2006**

14.—(1) The Housing Benefit Regulations 2006(5) are amended as follows.

(2) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings), after paragraph 72 insert—

“73. Any disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018.”.

(3) In Schedule 6 (capital to be disregarded), in paragraph 9(1)(a), for “71 or 72” substitute “71, 72 or 73”.

#### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

15.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(6) are amended as follows.

(2) In regulation 29 (meaning of “income”), after paragraph (1)(j)(ib) insert—

“(ic) disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018;”.

(3) In Part 1 of Schedule 6 (capital to be disregarded generally), in paragraph 21(2), after sub-paragraph (w) insert—

“(x) disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018.”.

#### **Amendment of the Employment and Support Allowance Regulations 2008**

16.—(1) The Employment and Support Allowance Regulations 2008(7) are amended as follows.

(2) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), after paragraph 73 insert—

“74. Any disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018.”.

(3) In Schedule 9 (capital to be disregarded), in paragraph 11(1)(a), for “72 or 73” substitute “72, 73 or 74”.

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(5) [S.I. 2006/213](#); relevant amending instruments are [S.I. 2017/213](#), [S.I. 2019/1060](#), [S.I. 2019/1314](#), [S.I. 2020/482](#) and [S.I. 2020/989](#).

(6) [S.I. 2006/214](#); relevant amending instruments are [S.I. 2019/1060](#), [S.I. 2020/482](#) and [S.I. 2020/989](#).

(7) [S.I. 2008/794](#); relevant amending instruments are [S.I. 2019/1060](#), [S.I. 2019/1314](#), [S.I. 2020/482](#) and [S.I. 2020/989](#).