

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 71 of the Scotland Act 2016 (c. 11) (“the Act”) allows the Secretary of State by regulations to make such consequential provision including amendments to primary legislation in connection with any provision of Part 1, 3, 4, 5 or 6 of the Act as the Secretary of State considers appropriate.

These Regulations make provision consequential upon the introduction of Adult Disability Payment (“ADP”) pursuant to Part 3 of the Act (welfare benefits and employment support). ADP is to be the equivalent payment in Scotland to Personal Independence Payment (“PIP”) which will remain payable in the remainder of the United Kingdom.

Regulation 2 amends the Social Security Contributions and Benefits Act 1992 (c. 4) so that there is no overlapping payment of Attendance Allowance (“AA”) and Disability Living Allowance (“DLA”) on the one part and ADP on the other.

Regulation 3 amends the Welfare Reform Act 2012 (c. 5) so that there is no overlapping payment of PIP and ADP.

Regulations 2 and 3 also respectively substitute the definitions of Child Disability Payment (“CDP”) in those Acts so as to make the wording consistent with the definitions of ADP inserted by these Regulations.

Regulation 4 amends the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (S.I. 2011/517) so that there can be no overlapping provision of Armed Forces Independence Payment and ADP. It also amends the definition of CDP in that Order in line with the amendments made by regulations 2 and 3.

The Disability Assistance for Working Age People (Scotland) Regulations 2022 (S.S.I. 2022/ ) deem claimants in receipt of ADP who have moved to another part of the United Kingdom as still being ordinarily resident in Scotland for 13 weeks following their move, thereby enabling them to continue receiving ADP for that period. Consequentially, these Regulations amend the Social Security (Attendance Allowance) Regulations 1991 (S.I. 1991/2740), the Social Security (Disability Living Allowance) Regulations 1991 (S.I. 1991/2890) and the Social Security (Personal Independence Payment) Regulations 2013 (S.I. 2013/377) so that such claimants are not deemed to be resident simultaneously in England or Wales and in Scotland for the purposes of DLA, AA or PIP entitlement (see regulations 5, 6 and 7) and regulations 8, 9 and 10 make the corresponding amendments to the Northern Ireland versions of the same regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.