
DRAFT STATUTORY INSTRUMENTS

2022 No.

**The Scotland Act 2016 (Social Security)
(Adult Disability Payment and Child Disability
Payment) (Amendment) Regulations 2022**

PART 2

**AMENDMENT OF PRIMARY LEGISLATION:
ENGLAND AND WALES, AND SCOTLAND**

**Prevention of overlapping payments: Attendance Allowance,
Disability Living Allowance and Personal Independence Payment**

Amendment of the Social Security Contributions and Benefits Act 1992

- 2.—(1) The Social Security Contributions and Benefits Act 1992⁽¹⁾ is amended as follows.
- (2) In section 64 (attendance allowance), in subsection (1A)⁽²⁾, after paragraph (a) insert—
- “**(aa)** adult disability payment;”.
- (3) In section 71 (disability living allowance), in subsection (7), for “Child Disability Payment” substitute “adult disability payment or child disability payment”.
- (4) In section 122 (interpretation of Parts 1 to 6 and supplementary provisions), in subsection (1) —
- (a) after the definition of “additional primary percentage”, insert—
- ““adult disability payment” means disability assistance given in accordance with the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;
- (b) for the definition of “Child Disability Payment”⁽³⁾, substitute—
- ““child disability payment” means disability assistance given in accordance with the Disability Assistance for Children and Young People (Scotland) Regulations 2021 (S.S.I. 2021/174);”.

Amendment of the Welfare Reform Act 2012

- 3.—(1) The Welfare Reform Act 2012⁽⁴⁾ is amended as follows.
- (2) In section 77 (personal independence payment), in subsection (4)⁽⁵⁾, for “Child Disability Payment” substitute “adult disability payment or child disability payment”.
- (3) In section 95 (interpretation of Part 4)—

⁽¹⁾ 1992 c. 4.

⁽²⁾ Section 64(1A) is inserted by paragraph 5(3) of Schedule 9 to the Welfare Reform Act 2012 (c. 5).

⁽³⁾ The definition is inserted by S.I. 2021/804.

⁽⁴⁾ 2012 c. 5.

⁽⁵⁾ Section 77(4) is inserted by S.I. 2021/804.

- (a) at the appropriate place insert—
 - ““adult disability payment” means disability assistance given in accordance with the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;
- (b) for the definition of “Child Disability Payment”(6) substitute—
 - ““child disability payment” means disability assistance given in accordance with the Disability Assistance for Children and Young People (Scotland) Regulations 2021 (S.S.I. 2021/174);”.

(6) The definition is inserted by S.I. 2021/804.