
DRAFT STATUTORY INSTRUMENTS

2022 No.

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

PART 4

**AMENDMENT OF SECONDARY LEGISLATION:
ENGLAND AND WALES AND SCOTLAND**

Persons moving from Scotland to England and Wales: Attendance Allowance, Disability Living Allowance and Personal Independence Payment

Amendment of the Social Security (Attendance Allowance) Regulations 1991

5. After regulation 2(1) of the Social Security (Attendance Allowance) Regulations 1991(1) (conditions as to residence and presence in Great Britain), insert—

“(1ZA) A person to whom regulation 53(1) of the Disability Assistance for Working Age People (Scotland) Regulations 2022 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 Social Security (Disability Living Allowance) Regulations 1991

6. After regulation 2(1ZA) of the Social Security (Disability Living Allowance) Regulations 1991(2) (conditions as to residence and presence in Great Britain), insert—

“(1ZB) A person to whom regulation 53(1) of the Disability Assistance for Working Age People (Scotland) Regulations 2022 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 Social Security (Personal Independence Payment) Regulations 2013

7. Renumber the existing text of regulation 23ZA of the Social Security (Personal Independence Payment) Regulations 2013(3) (persons in receipt of an equivalent Scottish benefit who move from Scotland to England or Wales) as regulation 23ZA(1) and after that renumbered paragraph insert—

“(2) Where regulation 53(1) of the Disability Assistance for Working Age People (Scotland) Regulations 2022 applies to C, regulation 16(c) of these Regulations is treated as not satisfied for the period set out in regulation 53(1) of those Regulations.”.

(1) [S.I. 1991/2740](#). Relevant amending instruments are [S.I. 1996/30](#) and [2000/636](#).
(2) [S.I. 1991/2890](#). Regulation 2(1ZA) is inserted by [S.I. 2021/804](#).
(3) [S.I. 2013/377](#). Regulation 23ZA is inserted by [S.I. 2021/804](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Scotland Act 2016 (Social Security) (Adult Disability Payment and Child Disability Payment) (Amendment) Regulations 2022 No. 335
