
EXPLANATORY NOTE

(This note is not part of the Order)

In consequence of the range of information necessary for the appropriate administration of social security functions, this Order provides a mechanism for the sharing of information relevant to devolved Scottish social security functions between the Scottish Ministers and the Secretary of State, and the Scottish Ministers and the Department for Communities in Northern Ireland. It also amends motor vehicles, electoral and social security legislation as a consequence of the provision of disability assistance for children and young people in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018 ([asp 9](#)).

Article 3 contains a power to allow the Scottish Ministers and the Secretary of State to share information with each other in relation to determining the entitlement of an individual to obtain a driving licence for a small vehicle at the age of 16, or to an exemption from liability to pay vehicle tax, as a result of being in receipt of the mobility component of disability assistance for children and young people, at the higher rate.

Article 4 contains a power to allow the Scottish Ministers and the Department for Communities to share information with each other which is relevant to the exercise of devolved social security functions.

Any information supplied under articles 3 or 4 must not be passed on without the authorisation of the person who supplied the information. Once supplied, information may be used by the recipient for any other purposes for which information held for the purpose for which it is supplied could be used compatibly. Section 123 (unauthorised disclosure of information relating to particular persons) of the Social Security Administration Act 1992 ([c. 5](#)) applies to the disclosure of information under article 3. Section 117 (unauthorised disclosure of information relating to particular persons) of the Social Security Administration (Northern Ireland) Act 1992 ([c. 8](#)) applies to the disclosure of information under article 4. This helps safeguard against inappropriate disclosure of information by any person who is or has been employed in social security administration or adjudication.

Article 5 makes amendments to motor vehicles regulations to provide that receipt of the mobility component of disability assistance for children and young people, at the higher rate, is among the forms of benefit which entitle a person to early acquisition of a driving licence, at the age of 16.

Articles 6 to 9 make amendments to electoral regulations to provide that receipt of the mobility component of disability assistance for children and young people, at the higher rate, is among the forms of benefit which entitle a person to apply to vote by proxy, and to sign by proxy a petition for recall of an MP, without the need for attestation of an application.

Articles 10 to 13 make amendments to social security regulations to allow ongoing exemption from the benefit cap where an individual is entitled to the care component of Child Disability Payment, but is not in receipt of this because they have become a resident of a care home.

The Disability Assistance for Children and Young People (Scotland) Regulations 2021 ([S.S.I. 2021/174](#)) made under section 31 of the Social Security (Scotland) Act 2018 ([asp 9](#)) introduce arrangements for the payment of disability assistance for children and young people in the form of a “Child Disability Payment”. The Child Disability Payment replaces the disability living allowance for children residing in Scotland.

Child Disability Payment is only available to children and young people residing in Scotland. However, the Scottish Government will continue to make payment of Child Disability Payment to any child or young person who relocates from Scotland to another part of the United Kingdom for

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a period of 13 weeks, from the date of the move, to allow for an application for disability living allowance to be processed.

A full Impact Assessment has not been produced for this order as no, or no significant, impact on the private, public or voluntary sectors is foreseen.