
STATUTORY INSTRUMENTS

2021 No. 804

The Scotland Act 2016 (Social Security) (Consequential Provision) (Miscellaneous Amendment) Regulations 2021

PART 4

Amendment of secondary legislation: England and Wales, and Scotland

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

Amendment of the Social Security (Disability Living Allowance) Regulations 1991

5.—(1) Regulation 2 of the Social Security (Disability Living Allowance) Regulations 1991⁽¹⁾ (conditions as to residence and presence in Great Britain)⁽²⁾ is amended as follows.

(2) Before paragraph (2) insert—

“(1ZA) A person to whom regulation 36(1) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 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

6.—(1) The Social Security (Personal Independence Payment) Regulations 2013⁽³⁾ are amended as follows.

(2) In Part 4 (residence and presence conditions), before regulation 23A (refugees)⁽⁴⁾ insert—

“Persons in receipt of an equivalent Scottish benefit who move from Scotland to England or Wales

23ZA. Where regulation 36(1) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 applies to C, regulation 16(c) of these Regulations is treated as not satisfied for the period set out in regulation 36(1) of those Regulations.”.

⁽¹⁾ [S.I. 1991/2890](#).

⁽²⁾ Regulation 2(2) was amended by regulation 2(3) of [S.I. 1993/1939](#), regulation 2(3) and Schedule 3 to [S.I. 2005/2877](#), and regulations 4(1) and 4(3)(d)(i), (d)(ii), (e) and (f) of [S.I. 2013/389](#).

⁽³⁾ [S.I. 2013/377](#).

⁽⁴⁾ Regulation 23A was inserted by regulation 14 of [S.I. 2017/1015](#).