
STATUTORY INSTRUMENTS

2021 No. 804

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

PART 2

Amendment of primary legislation: England and Wales, and Scotland

Prevention of overlapping payments: 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 71 (disability living allowance)⁽²⁾, after subsection (6) insert—
- “(7) A person shall not be entitled to a disability living allowance while they are entitled to Child Disability Payment.”.
- (3) In section 122 (interpretation of Parts I to VI and supplementary provisions)⁽³⁾, after the definition of “child” insert—
- ““Child Disability Payment” means assistance under regulation 3 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021⁽⁴⁾.”.

⁽¹⁾ 1992 c. 4.

⁽²⁾ Section 71(3) was amended by section 67(1) of the Welfare Reform and Pensions Act 1999 (c. 30).

⁽³⁾ In section 122, the definition of “child” was substituted by Schedule 1, Part 1, paragraphs 1, 8(1) and (2) of the Child Benefit Act 2005 (c. 6). There are other amendments to section 122 not relevant to these Regulations.

⁽⁴⁾ S.S.I. 2021/174.