

2024 No. 919

CONSTITUTIONAL LAW

DEVOLUTION

SOCIAL SECURITY

**The Social Security (Scotland) Act 2018 (Disability Assistance)
(Consequential Amendments) Order 2024**

<i>Made</i> - - - -	<i>9th September 2024</i>
<i>Laid before Parliament</i>	<i>10th September 2024</i>
<i>Coming into force</i> - -	<i>21st October 2024</i>

The Secretary of State makes this Order in exercise of the powers conferred by sections 104, 112(1) and 113(2) and (3) of the Scotland Act 1998^(a).

PART 1

Citation, commencement and extent

Citation, commencement and extent

1.—(1) This Order may be cited as the Social Security (Scotland) Act 2018 (Disability Assistance) (Consequential Amendments) Order 2024 and comes into force on 21st October 2024.

(2) Part 1 of this Order extends to England and Wales, Scotland and Northern Ireland.

(3) Part 2 of this Order extends to England and Wales only.

(4) Part 3 of this Order extends to England and Wales and Scotland.

(5) Part 4 of this Order extends to Northern Ireland only.

^(a) 1998 c. 46. Section 104 was relevantly amended by section 12 of the Scotland Act 2012 (c. 11).

PART 2
England and Wales

Amendment of the Social Security (Invalid Care Allowance) Regulations 1976

2.—(1) The Social Security (Invalid Care Allowance) Regulations 1976(a) are amended as follows.

(2) After regulation 9(2)(b)(i) (conditions relating to residence and presence in Great Britain), insert—

“(ia) pension age disability payment given in accordance with the Disability Assistance for Older People (Scotland) Regulations 2024(b);”.

PART 3
England and Wales and Scotland

Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975

3.—(1) The Social Security Benefit (Persons Abroad) Regulations 1975(c) are amended as follows.

(2) In regulation 2 (modification of the Act in relation to incapacity benefit, severe disablement allowance, unemployability supplement and maternity allowance)—

(a) in paragraph (1A)—

(i) for “or personal independence payment” substitute “, personal independence payment”;

(ii) after “2012” insert “or Scottish disability assistance”;

(b) at the end of paragraph (5)(b) omit “and”;

(c) after paragraph (5)(b) insert—

“(ba) “Scottish disability assistance” means disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018(d); and”.

Amendment of the Income Support (General) Regulations 1987

4.—(1) The Income Support (General) Regulations 1987(e) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “pay period”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(3) In paragraph 4(a) of Schedule 1B (persons caring for another person)—

(a) S.I. 1976/409; relevant amending instruments are S.I. 2013/388 and 2013/591.

(b) S.S.I. 2024/166.

(c) S.I. 1975/563; relevant amending instruments are S.I. 1994/268, 2013/388 and 2013/591.

(d) 2018 asp 9.

(e) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663, 1990/1776, 1991/2742, 1994/2139, 1995/482, 1996/1517, 2000/681, 2001/589, 2002/2497, 2002/3019, 2003/2379, 2003/455, 2007/719, 2009/1488, 2013/388, 2013/591, 2021/786, 2022/177 and 2023/1218.

- (a) in sub-paragraph (i), after “attendance allowance”, insert “, pension age disability payment”;
- (b) in sub-paragraph (ii), after “attendance allowance”, insert “or pension age disability payment”;
- (c) after sub-paragraph (iia) insert—

“(iib) the person being cared for has claimed pension age disability payment, the claim is treated as made at a later date in accordance with regulation 27(2) (when an application is to be treated as made) of the Disability Assistance for Older People (Scotland) Regulations 2024, an award has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the payment; or”.

(4) In Schedule 2 (applicable amounts)—

- (a) in paragraph 7(2), after “attendance allowance”, insert “, pension age disability payment”;
- (b) in paragraph 10(1)(b)(i), for “or (d)” substitute “(d) or (e)”;
- (c) in paragraph 11(1)(b)(ii), for “or (d)” substitute “(d) or (e)”;
- (d) in paragraph 12(1)—

- (i) in paragraph (a)(i), after “attendance allowance”, insert “, pension age disability payment”;

- (ii) after paragraph (d)(ii), insert—

“; or

- (e) except where paragraph 2A of Schedule 7 (patients) applies, the claimant or, as the case may be, the claimant’s partner was in receipt of pension age disability payment—

- (i) but no amount is payable in accordance with regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024; and

- (ii) a higher pensioner premium or disability premium has been applicable to the claimant.”;

- (e) in paragraph 13—

- (i) in sub-paragraph (2)(b)(i), after “attendance allowance”, insert “, pension age disability payment”;

- (ii) in sub-paragraph (3)(a), after “attendance allowance”, insert “, pension age disability payment”;

- (iii) after sub-paragraph (3A)(d), insert—

“;

- (e) as being in receipt of pension age disability payment if they would, but for regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024, be so in receipt.”.

(5) In paragraph 18 of Schedule 3 (housing costs)—

- (a) after sub-paragraph (6)(b)(i), insert—

“(ia) pension age disability payment.”;

- (b) in sub-paragraph (8)(a), after “attendance allowance”, insert “, pension age disability payment”.

Amendment of the Social Security (Claims and Payments) Regulations 1987

5.—(1) The Social Security (Claims and Payments) Regulations 1987(a) are amended as follows.

(2) In regulation 6 (date of claim)—

(a) in paragraph (20)(c)—

(i) at the end of sub-paragraph (iii) omit “or”;

(ii) after sub-paragraph (iv) insert—

“, or

(v) regulation 19 (effect of admission to a care home on ongoing entitlement to daily living component), or as the case may be, regulation 20 (effect of admission to hospital on ongoing entitlement to Pension Age Disability Payment) of the Disability Assistance for Older People (Scotland) Regulations 2024 because the claimant is, respectively, a resident of a care home or undergoing treatment in a hospital.”;

(b) in paragraph (38)(b)—

(i) for “either” substitute “any”;

(ii) at the end of paragraph (i) omit “and”;

(iii) after paragraph (ii) insert—

“; or

(iii) pension age disability payment within the meaning of regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024.”.

Amendment of the Jobseeker’s Allowance Regulations 1996

6.—(1) The Jobseeker’s Allowance Regulations 1996(b) are amended as follows.

(2) In regulation 1(3) (interpretation), after the definition of “pay period”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(3) In regulation 51(3)(c)(i), (ii) and (iv) (remunerative work), after “attendance allowance” in each place it occurs, insert “, pension age disability payment”.

(4) In regulation 140(1)(h)(i) to (iii) (meaning of “person in hardship”), after “attendance allowance” in each place it occurs, insert “, pension age disability payment”.

(5) In regulation 146A(1)(e)(i) to (iii) (meaning of “couple in hardship”), after “attendance allowance” in each place it occurs, insert “, pension age disability payment”.

(6) In paragraph 3(a) of Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in section 1(2B)(b))—

(a) in paragraph (i), after “attendance allowance”, insert “, pension age disability payment”;

(b) in paragraph (ii), after “attendance allowance”, insert “or pension age disability payment”;

(c) after paragraph (iii) insert—

(a) S.I. 1987/1968; relevant amending instruments are S.I. 2007/2470 and 2022/177.

(b) S.I. 1996/207; relevant amending instruments are S.I. 1996/1516, 2000/1978, 2003/511, 2013/388, 2013/591, 2021/786 and 2022/177.

“(iia) the person being cared for has claimed pension age disability payment, the claim is treated as made at a later date in accordance with regulation 27(2) (when an application is to be treated as made) of the Disability Assistance for Older People (Scotland) Regulations 2024, an award has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the payment; or”.

(7) In Schedule 1 (applicable amounts)—

(a) in paragraph 8(2), after “attendance allowance”, insert “, pension age disability payment”;

(b) in paragraph 14(1)—

(i) in paragraph (c), after “attendance allowance”, insert “, pension age disability payment”;

(ii) at the end of paragraph (g)(iii), omit “or”;

(iii) after paragraph (g)(iv), insert—

“or

(v) entitled to pension age disability payment but no amount is payable in accordance with regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024;”;

(iv) in the words after the new sub-paragraph (g)(v) for “(iv)” substitute “(v)”;

(c) in paragraph 15—

(i) in sub-paragraphs (2)(a) and (4)(a), after “attendance allowance”, insert “, pension age disability payment”;

(ii) after sub-paragraph (5)(ab), insert—

“(ac) as being in receipt of pension age disability payment if they would, but for regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024, be so in receipt;”;

(d) in paragraph 20D(2), after “attendance allowance”, insert “, pension age disability payment”.

(8) In paragraph 17 of Schedule 2 (housing costs)—

(a) after sub-paragraph (6)(b)(i), insert—

“(ia) pension age disability payment, or”;

(b) in sub-paragraph (8)(a), after “attendance allowance”, insert “, pension age disability payment”.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

7.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999(a) are amended as follows.

(2) In regulation 1(3) (interpretation), in the definition of “Scottish disability benefit”—

(a) for “either” substitute “any”;

(b) at the end of sub-paragraph (a) omit “and”;

(a) S.I. 1999/991; relevant amending instruments are S.I. 2002/3019, 2013/443, 2013/591 and 2022/177.

(c) after sub-paragraph (b) insert—

“; or

(c) pension age disability payment within the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(3) In paragraph 2(b) of Schedule 3B (date on which change of circumstances takes effect where claimant entitled to state pension credit)—

(a) at the end of paragraphs (iii) and (iv), omit “or”;

(b) after paragraph (iv), insert—

“(v) the daily living component of adult disability payment at the standard or enhanced rate under the Disability Assistance for Working Age People (Scotland) Regulations 2022(a);

(vi) pension age disability payment within the meaning of the Disability Assistance for Older People (Scotland) Regulations 2024; or”.

Amendment of the Social Security (Loss of Benefit) Regulations 2001

8.—(1) The Social Security (Loss of Benefit) Regulations 2001(b) are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “the UC Regulations”, insert—

““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;

(b) after the definition of “assessment period”, insert—

““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021(c);”;

(c) after the definition of “pay day”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(3) In regulation 5(1)(h) (meaning of “person in hardship”)—

(a) in paragraphs (i) and (ii), after “attendance allowance,” insert—

“pension age disability payment, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021, the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;

(b) in paragraph (iii), after “attendance allowance” in both places it occurs, insert “, pension age disability payment”;

(c) at the end of paragraph (iv), omit “or”;

(d) after paragraph (v), insert—

“(vi) has claimed child disability payment and has an award of the care component of child disability payment at the highest or middle rate in accordance with

(a) S.S.I. 2022/54.

(b) S.I. 2001/4022; relevant amending instruments are S.I. 2010/1160, 2013/385 and 2013/591.

(c) S.S.I. 2021/174.

regulation 11(5) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 for a period commencing after the date on which the claim was made; or

(vii) has claimed adult disability payment and has an award of the daily living component at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 for a period commencing after the date on which the claim was made.”.

(4) In regulation 11(2)(e) (meaning of “couple in hardship”)—

(a) in paragraphs (i) and (ii), after “attendance allowance,” insert—

“pension age disability payment, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021, the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022,”;

(b) in paragraph (iii), after “attendance allowance” in both places it occurs, insert “, pension age disability payment”;

(c) at the end of paragraph (iv), omit “or”;

(d) after paragraph (v), insert—

“(vi) has claimed child disability payment and has an award of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 for a period commencing after the date on which the claim was made; or

(vii) has claimed adult disability payment and has an award of the daily living component at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 for a period commencing after the date on which that claim was made.”.

Amendment of the State Pension Credit Regulations 2002

9.—(1) The State Pension Credit Regulations 2002(a) are amended as follows.

(2) In regulation 1(2) (interpretation), after the definition of “patient”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024(b);”.

(3) In Schedule 1 (additional amounts)—

(a) in paragraph 1—

(i) in sub-paragraph (1)(a)(i), (b)(i) and (c)(i), after “attendance allowance”, insert “, pension age disability payment”;

(ii) in sub-paragraph (2)(a), after “attendance allowance”, insert “, pension age disability payment”;

(iii) after sub-paragraph (2)(bb), insert—

(a) S.I. 2002/1792; relevant amending instruments are S.I. 2005/3360, 2013/388, 2013/591 and 2022/177.

(b) S.S.I. 2024/166.

“(bc) for the purposes of sub-paragraph (1)(b) as being in receipt of pension age disability payment if that person would, but for regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024, be so in receipt;”;

(b) in paragraph 2(2)(a), after “attendance allowance”, insert “, pension age disability payment”.

(4) In paragraph 14 of Schedule 2 (housing costs)—

(a) after sub-paragraph (6)(b)(i), insert—

“(ia) pension age disability payment;”;

(b) in sub-paragraph (8)(a), after “attendance allowance”, insert “, pension age disability payment”.

(5) In paragraph 1(9) of Schedule 3 (special groups), after “attendance allowance”, insert “, pension age disability payment”.

(6) After paragraph 4(1)(a)(iii) of Schedule 6 (sums disregarded from claimant’s earnings), insert—

“(iia) pension age disability payment;”.

Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005

10.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005(a) are amended as follows.

(2) In regulation 10(1A) (deductions from an award of a funeral payment), at the end of sub-paragraph (ff) insert—

“;

(gg) any disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018(b).”.

Amendment of the Housing Benefit Regulations 2006

11.—(1) The Housing Benefit Regulations 2006(c) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “member of a couple who cannot share a bedroom”, after sub-paragraph (a)(i), insert—

“(ia) pension age disability payment at the higher rate in accordance with regulation 6 of the Disability Assistance for Older People (Scotland) Regulations 2024;”;

(b) after the definition of “payment”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”;

(c) in the definition of “person who requires overnight care”—

(i) after sub-paragraph (a)(i), insert—

(a) S.I. 2005/3061; relevant amending instruments are S.I. 2013/247 and 2013/591.

(b) 2018 asp 9.

(c) S.I. 2006/213; relevant amending instruments are S.I. 2005/2502, 2005/3360, 2007/2868, 2008/1042, 2010/2835, 2012/2994, 2013/388, 2013/591, 2014/213, 2015/1754, 2017/213, 2021/786, 2021/1188, 2022/177 and 2023/1218.

- “(ia) is in receipt of pension age disability payment;”;
- (ii) in sub-paragraph (a)(iii), after “(i),” insert “(ia),”.
- (3) In regulation 28(11) (treatment of child care charges)—
- (a) after sub-paragraph (d)(ii), insert—
- “(iia) pension age disability payment;”;
- (b) after sub-paragraph (e), insert—
- “(ea) a pension age disability payment was payable on account of his incapacity but has ceased to be payable in accordance with regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024;”.
- (4) In regulation 74 (non-dependant deductions)—
- (a) after paragraph (6)(b)(i), insert—
- “(ia) pension age disability payment;”;
- (b) in paragraph (9)(a), after “attendance allowance”, insert “, pension age disability payment”.
- (5) In regulation 75F(1) (exception to the benefit cap: receipt of specified benefit)—
- (a) after sub-paragraph (c), insert—
- “(ca) the claimant or the claimant’s partner is receiving pension age disability payment;”;
- (b) in sub-paragraph (f)—
- (i) in the opening words, after “in sub-paragraph (b), (c)”, insert “, (ca)”;
- (ii) after paragraph (i), insert—
- “(ia) in the case of pension age disability payment, that payment is not payable in accordance with regulation 19 (effect of admission to a care home on ongoing entitlement to pension age disability payment) or regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024;”.
- (6) In Schedule 3 (applicable amounts)—
- (a) in paragraph 7(2), after “attendance allowance”, insert “, pension age disability payment”;
- (b) in paragraph 13(1)(a)—
- (i) in sub-paragraph (i), after “attendance allowance”, insert “, pension age disability payment”;
- (ii) after sub-paragraph (iiib), insert—
- “(iiic) was in receipt of pension age disability payment that is no longer payable by virtue of regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024;”;
- (c) in paragraph 14—
- (i) in sub-paragraphs (2)(b)(i) and (4)(a), after “attendance allowance”, insert “, pension age disability payment”;
- (ii) after sub-paragraph (5)(d), insert—

“;

- (e) as being in receipt of pension age disability payment if that person would, but for regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024, be so in receipt.”

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

12.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(a) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “member of a couple who cannot share a bedroom”, after sub-paragraph (a)(i), insert—

“(ia) pension age disability payment at the higher rate in accordance with regulation 6 of the Disability Assistance for Older People (Scotland) Regulations 2024;”;

- (b) after the definition of “payment”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”;

- (c) in the definition of “person who requires overnight care”—

- (i) after sub-paragraph (a)(i), insert—

“(ia) is in receipt of pension age disability payment;”;

- (ii) in sub-paragraph (a)(iii), after “(i),” insert “(ia),”.

(3) In regulation 31(11) (treatment of child care charges)—

- (a) after sub-paragraph (d)(ii), insert—

“(ia) pension age disability payment;”;

- (b) after sub-paragraph (e), insert—

“(ea) a pension age disability payment was payable on account of his incapacity but has ceased to be payable in accordance with regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(4) In regulation 55 (non-dependant deductions)—

- (a) after paragraph (6)(b)(i), insert—

“(ia) pension age disability payment;”;

- (b) in paragraph (10)(a), after “attendance allowance”, insert “, pension age disability payment”.

(5) In Schedule 3 (applicable amounts)—

- (a) after paragraph 5(2)(a), insert—

“(aa) pension age disability payment;”;

(a) S.I. 2006/214; relevant amending instruments are S.I. 2007/2869, 2008/1082, 2010/2835, 2013/388, 2013/591, 2017/213, 2021/786, 2022/177, 2022/530 and 2023/1218.

- (b) in paragraph 6—
 - (i) in sub-paragraphs (2)(a)(i) and (b)(i) and (6)(a), after “attendance allowance”, insert “, pension age disability payment”;
 - (ii) after sub-paragraph (7)(d), insert—
 - “;
 - (e) as being in receipt of pension age disability payment if that person would, but for regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024, be so in receipt.”.
- (6) After paragraph 5(1)(a)(iii) of Schedule 4 (sums disregarded from claimant’s earnings), insert—
 - “(iia) pension age disability payment;”.

Amendment of the Employment and Support Allowance Regulations 2008

- 13.—**(1) The Employment and Support Allowance Regulations 2008(a) are amended as follows.
- (2) In regulation 2(1) (interpretation), after the definition of “pay period”, insert—
- ““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.
- (3) In regulation 158(3)(b), (c), (d)(i) and (ii) (meaning of “person in hardship”), after “attendance allowance”, insert “, pension age disability payment”.
- (4) In Schedule 4 (amounts)—
- (a) after paragraph 4(2)(a), insert—
 - “(aa) pension age disability payment;”;
 - (b) in paragraph 6—
 - (i) in sub-paragraphs (2)(a)(i) and (b)(i), for “or attendance allowance” substitute “, attendance allowance or pension age disability payment”;
 - (ii) in sub-paragraph (2)(b)(ii), for “or attendance allowance”, in both places it occurs, substitute “, attendance allowance or pension age disability payment”;
 - (iii) in sub-paragraph (4)(a), after “attendance allowance”, insert “, pension age disability payment”;
 - (iv) after sub-paragraph (5)(d), insert—
 - “;
 - (e) as being in receipt of pension age disability payment if the person would, but for regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024, be so in receipt.”.
- (5) In paragraph 19 of Schedule 6 (housing costs)—
- (a) after sub-paragraph (6)(b)(i), insert—
 - “(ia) pension age disability payment;”;

(a) S.I. 2008/794; relevant amending instruments are S.I. 2011/2425, 2011/2428, 2013/388, 2013/591, 2015/1754, 2021/786, 2022/177 and 2023/1218.

- (b) in sub-paragraph (8)(a), after “attendance allowance”, insert “, pension age disability payment”.

Amendment of the Universal Credit Regulations 2013

14.—(1) The Universal Credit Regulations 2013(a) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of “partner”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(3) In regulation 14(1)(b) (exceptions to the requirement not to be receiving education), after “attendance allowance”, insert “, pension age disability payment”.

(4) In regulation 41(2)(a) (when an assessment may be carried out), after “attendance allowance”, insert “, pension age disability payment”.

(5) In regulation 83(1) (exceptions - entitlement or receipt of certain benefits)—

(a) after sub-paragraph (c), insert—

“(ca) a claimant is receiving pension age disability payment;”;

(b) at the end of sub-paragraph (h)(iva) omit “or”;

(c) after sub-paragraph (h)(v) insert—

“or

(vi) in the case of pension age disability payment, is not receiving it by virtue of regulation 19 (effect of admission to a care home on ongoing entitlement to pension age disability payment) or regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024(b);”.

(6) After paragraph 5(3)(b)(ii) of Schedule 3 (claimants treated as occupying or not occupying accommodation), insert—

“(iia) pension age disability payment.”.

(7) In Schedule 4 (housing costs element for renters)—

(a) in paragraph 12—

(i) after sub-paragraph (3)(a)(ii), insert—

“(iia) pension age disability payment;”;

(ii) after sub-paragraph (6A)(a)(ii), insert—

“(iia) pension age disability payment at the higher rate in accordance with regulation 6 of the Disability Assistance for Older People (Scotland) Regulations 2024;”;

(b) in paragraph 15—

(i) after sub-paragraph (2)(c), insert—

“(ca) a person in receipt of pension age disability payment;”;

(ii) in sub-paragraph (2)(e)—

(aa) after “(c),” insert “(ca),”;

(a) S.I. 2013/376; relevant amending instruments are S.I. 2013/630, 2013/2828, 2015/1754, 2017/213, 2020/827, 2021/786, 2021/1188, 2021/1224 and 2022/177.

(b) S.S.I. 2024/166.

(bb) at the end of sub-paragraph (iv), omit “or”;

(cc) after sub-paragraph (v), insert—

“, or

(vi) regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024.”;

(c) in paragraph 16—

(i) after sub-paragraph (2)(d), insert—

“(da) a person in receipt of pension age disability payment;”;

(ii) in sub-paragraph (2)(f)—

(aa) after “(d),” insert “(da),”;

(bb) at the end of sub-paragraph (iv), omit “or”;

(cc) after sub-paragraph (v), insert—

“, or

(vi) regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024.”.

(8) In paragraph 5 of Schedule 9 (circumstances in which a claimant is to be treated as having limited capability for work and work-related activity), after “attendance allowance”, insert “, pension age disability payment”.

Amendment of the Jobseeker’s Allowance Regulations 2013

15.—(1) The Jobseeker’s Allowance Regulations 2013(a) are amended as follows.

(2) In regulation 42 (remunerative work)—

(a) in paragraphs (3)(c)(i), (ii) and (iv), after “attendance allowance” in each place it occurs, insert “, pension age disability payment”;

(b) in paragraph (4), after the definition of “daily living component” insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

Amendment of the Employment and Support Allowance Regulations 2013

16.—(1) The Employment and Support Allowance Regulations 2013(b) are amended as follows.

(2) In regulation 94 (meaning of “person in hardship”)—

(a) in paragraphs (3)(a), (b), (c)(i) and (ii), after “attendance allowance”, insert “, pension age disability payment”;

(b) in paragraph (7), after the definition of “disability living allowance”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(a) S.I. 2013/378; relevant amending instruments are S.I. 2013/591, 2021/786 and 2022/177.

(b) S.I. 2013/379; relevant amending instruments are S.I. 2013/591, 2021/786 and 2022/177.

Amendment of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013

17.—(1) The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013(a) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “Scottish disability benefit”—

- (a) for “either” substitute “any”;
- (b) at the end of paragraph (a) omit “and”;
- (c) after paragraph (b) insert—

“or

(c) pension age disability payment within the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024.”.

(3) In paragraph 31(1), (2)(a)(i), (2)(a)(ii) and (2)(a)(iii) of Schedule 1 (effective dates for superseding decisions made on the ground of a change of circumstances), for "Scottish disability payment", in each place it occurs, substitute “Scottish disability benefit”.

Amendment of the State Pension Regulations 2015

18.—(1) The State Pension Regulations 2015(b) are amended as follows.

(2) After regulation 37(4)(a) (credits for persons engaged in caring), insert—

“(aa) pension age disability payment in accordance with the Disability Assistance for Older People (Scotland) Regulations 2024;”.

PART 4

Northern Ireland

Amendment of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976

19.—(1) The Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(c) are amended as follows.

(2) After regulation 9(2)(b)(ii) (conditions relating to residence and presence in Northern Ireland), insert—

“(iia) pension age disability payment given in accordance with the Disability Assistance for Older People (Scotland) Regulations 2024;”.

Amendment of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978

20.—(1) The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(d) are amended as follows.

(a) S.I. 2013/381, amended by S.I. 2022/177.

(b) S.I. 2015/173, to which there are amendments not relevant to these Regulations.

(c) S.R. 1976 No. 99; relevant amending instruments are S.I. 2013/3021 and S.R. 2016 No. 228.

(d) S.R. 1978 No. 114; relevant amending instruments are S.R. 1994 Nos. 45 and 269, S.R. 1995 No. 150, S.R. 2005 No. 536, S.I. 2013/3021 and S.R. 2016 No. 228.

(2) In regulation 2 (modification of the Act in relation to incapacity benefit, severe disablement allowance, unemployability supplement and maternity allowance)—

(a) in paragraph (1A)—

(i) for “or personal independence payment” substitute “, personal independence payment”;

(ii) after “2015” insert “or Scottish disability assistance”;

(b) at the end of paragraph (4)(b) omit “and”;

(c) after paragraph (4)(b) insert—

“(ba) “Scottish disability assistance” means disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018(a); and”.

Amendment of the Income Support (General) Regulations (Northern Ireland) 1987

21.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(b) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “pay period”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(3) In paragraph 4(a) of Schedule 1B (persons caring for another person)—

(a) in sub-head (i), after “attendance allowance”, insert “, pension age disability payment”;

(b) in sub-head (ii), after “attendance allowance”, insert “or pension age disability payment”;

(c) after sub-head (iia), insert—

“(iib) the person being cared for has claimed pension age disability payment, the claim is treated as made at a later date in accordance with regulation 27(2) (when an application is to be treated as made) of the Disability Assistance for Older People (Scotland) Regulations 2024, an award has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the payment; or”.

(4) In Schedule 2 (applicable amounts)—

(a) in paragraph 7(2), after “attendance allowance”, insert “, pension age disability payment”;

(b) in paragraph 10(1)(b)(i), for “or (d)” substitute “, (d) or (e)”;

(c) in paragraph 11(1)(b)(ii), for “or (d)” substitute “, (d) or (e)”;

(d) in paragraph 12(1)—

(i) in head (a)(i), after “attendance allowance”, insert “, pension age disability payment”;

(ii) after head (d)(ii), insert—

“; or

(e) except where paragraph 2A of Schedule 7 (applicable amounts in special cases) applies, the claimant or, as the case may be, the claimant’s partner was in receipt of pension age disability payment—

(a) 2018 asp 9.

(b) S.R. 1987 No. 459; relevant amending instruments are S.R. 1988 No. 146, S.R. 1992 No. 6, S.R. 1994 No. 327, S.R. 1995 Nos. 67 and 301, S.R. 1996 Nos. 199 and 358, S.R. 2002 No. 323, S.R. 2003 Nos. 191 and 195, S.I. 2013/3021, S.R. 2016 No. 228, S.I. 2021/786, S.I. 2022/177 and S.I. 2023/1218.

- (i) but no amount is payable in accordance with regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024; and
 - (ii) a higher pensioner premium or disability premium has been applicable to the claimant.”;
- (e) in paragraph 13—
 - (i) in sub-paragraphs (2)(b)(i) and (3)(a) after “attendance allowance”, insert “, pension age disability payment”;
 - (ii) in sub-paragraph (3A), after head (d) insert—
 - “;
 - (e) as being in receipt of pension age disability payment if they would, but for regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024, be so in receipt.”.
- (5) In paragraph 18 of Schedule 3 (housing costs)—
 - (a) after sub-paragraph (6)(b)(i), insert—
 - “(ia) pension age disability payment.”;
 - (b) in sub-paragraph (8)(a), after “attendance allowance”, insert “, pension age disability payment”.

Amendment of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996

22.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(a) are amended as follows.

- (2) In regulation 1(2) (interpretation), after the definition of “pay period”, insert—
 - ““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.
- (3) In regulation 51(3)(c)(i), (ii) and (iv) (remunerative work), after “attendance allowance” in each place it occurs, insert “, pension age disability payment”.
- (4) In regulation 140(1)(h)(i), (ii) and (iii) (meaning of “person in hardship”), after “attendance allowance” in each place it occurs, insert “, pension age disability payment”.
- (5) In regulation 146A(1)(e)(i), (ii) and (iii) (meaning of “couple in hardship”), after “attendance allowance” in each place it occurs, insert “, pension age disability payment”.
- (6) In paragraph 3(a) of Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in Article 3(2B)(b) of the Order)—
 - (a) in sub-head (i), after “attendance allowance”, insert “, pension age disability payment”;
 - (b) in sub-head (ii), after “attendance allowance”, insert “or pension age disability payment”;
 - (c) after sub-head (iii) insert—
 - “(iiia) the person being cared for has claimed pension age disability payment, the claim is treated as made at a later date in accordance with regulation 27(2) (when an application is to be treated as made) of the Disability Assistance for Older People (Scotland) Regulations 2024, an award has

(a) S.R. 1996 No. 198; relevant amending instruments are S.R. 1996 No. 356, S.R. 2000 No. 350, S.R. 2002 No. 323, S.R. 2016 No. 228, S.I. 2013/3021, S.I. 2021/786, S.I. 2022/177, S.R. 2022 No. 530 and S.I. 2023/1218.

been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the payment; or”.

- (7) In Schedule 1 (applicable amounts)—
- (a) in paragraph 8(2), after “attendance allowance”, insert “, pension age disability payment”;
 - (b) in paragraph 14(1)—
 - (i) in head (c), after “attendance allowance”, insert “, pension age disability payment”;
 - (ii) at the end of head (g)(iii), omit “or”;
 - (iii) after head (g)(iv), insert—
 - “or
 - (v) entitled to pension age disability payment but no amount is payable in accordance with regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024,”;
 - (iv) in the words after the new head (g)(v) for “(iv)” substitute “(v)”;
 - (c) in paragraph 15—
 - (i) in sub-paragraphs (2)(a) and (4)(a), after “attendance allowance”, insert “, pension age disability payment”;
 - (ii) after sub-paragraph (5)(ab), insert—
 - “(ac) as being in receipt of pension age disability payment if they would, but for regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024 be so in receipt;”;
 - (d) in paragraph 20D(2), after “attendance allowance”, insert “, pension age disability payment”.
- (8) In paragraph 17 of Schedule 2 (housing costs)—
- (a) after sub-paragraph (6)(b)(i), insert—
 - “(ia) pension age disability payment, or”;
 - (b) in sub-paragraph (8)(a), after “attendance allowance”, insert “, pension age disability payment”.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999

23.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(a) are amended as follows.

- (2) In regulation 1(2) (interpretation), in the definition of “Scottish disability benefit”—
- (a) for “either” substitute “any”;
 - (b) after paragraph (b) insert—
 - “(c) pension age disability payment within the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024(b) in circumstances where regulation 45(1) of those Regulations applies;”.

(a) S.R. 1999 No. 162; relevant amending instruments are S.R. 2016 No. 228 and S.I. 2022/177.

(b) S.S.I. 2024/166.

Amendment of the Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002

24.—(1) The Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002^(a) are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) before the definition of “armed forces independence payment”, insert—

““adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;

(b) after the definition of “an authority”, insert—

““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021^(b);”;

(c) after the definition of “pay day”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(3) In regulation 5(1)(h) (meaning of “person in hardship”)—

(a) in heads (i) and (ii), after “attendance allowance,” insert—

“pension age disability payment, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021, the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;

(b) in head (iii), after “attendance allowance” in both places it occurs, insert “, pension age disability payment”;

(c) at the end of head (iii), omit “or”;

(d) after head (iv), insert—

(v) has claimed child disability payment and has an award of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 for a period commencing after the date on which the claim was made; or

(vi) has claimed adult disability payment and has an award of the daily living component at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 for a period commencing after the date on which the claim was made;”.

(4) In regulation 11(2)(e) (meaning of “couple in hardship”)—

(a) in heads (i) and (ii), after “attendance allowance,” insert—

“pension age disability payment, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021, the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;”;

^(a) S.R. 2002 No. 79; relevant amending instruments are S.R. 2011 No. 291, S.R. 2016 No. 225 and S.I. 2013/3021.

^(b) S.S.I. 2021/174.

- (b) in head (iii), after “attendance allowance” in both places it occurs, insert “, pension age disability payment”;
- (c) at the end of head (iii), omit “or”;
- (d) after head (iv), insert—
 - “(v) has claimed child disability payment and has an award of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 for a period commencing after the date on which the claim was made; or
 - (vi) has claimed adult disability payment and has an award of the daily living component at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 for a period commencing after the date on which the claim was made.”.

Amendment of the State Pension Credit Regulations (Northern Ireland) 2003

25.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(a) are amended as follows.

(2) In regulation 1(2) (interpretation), after the definition of “patient”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(3) In Schedule 1 (additional amounts)—

(a) in paragraph 1—

- (i) in sub-paragraph (1)(a)(i), (b)(i) and (c)(i), after “attendance allowance”, insert “, pension age disability payment”;
- (ii) in sub-paragraph (2)(a), after “attendance allowance”, insert “, pension age disability payment”;
- (iii) after sub-paragraph (2)(bb), insert—

“(bc) for the purposes of sub-paragraph (1)(b) as being in receipt of pension age disability payment if that person would, but for regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024 be so in receipt;”;

(b) in paragraph 2(2)(a), after “attendance allowance”, insert “, pension age disability payment”.

(4) In paragraph 14 of Schedule 2 (housing costs)—

(a) after sub-paragraph (6)(b)(i), insert—

“(ia) pension age disability payment;”;

(b) in sub-paragraph (8)(a), after “attendance allowance”, insert “, pension age disability payment”.

(5) In paragraph 1(9) of Schedule 3 (special groups), after “attendance allowance”, insert “, pension age disability payment”.

(a) S.R. 2003 No. 28; relevant amending instruments are S.I. 2013/3021, S.R. 2014 No. 275, S.R. 2016 Nos. 228 and 236 and S.I. 2022/177.

(6) After paragraph 4(1)(a)(iii) of Schedule 6 (sums disregarded from claimant's earnings), insert—

“(iia) pension age disability payment;”.

Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005

26.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(a) are amended as follows.

(2) After regulation 10(1A)(e) (deductions from an award of a funeral payment), insert—

“(ea) any disability assistance given in accordance with regulations under section 31 of the Social Security (Scotland) Act 2018;”.

Amendment of the Housing Benefit Regulations (Northern Ireland) 2006

27.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(b) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “member of a couple who cannot share a bedroom”, after sub-paragraph (a)(i), insert—

“(ia) pension age disability payment at the higher rate in accordance with regulation 6 of the Disability Assistance for Older People (Scotland) Regulations 2024;”;

(b) after the definition of “payment”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”;

(c) in the definition of “person who requires overnight care”—

(i) after sub-paragraph (a)(i), insert—

“(ia) is in receipt of pension age disability payment;”;

(ii) in sub-paragraph (a)(iii), after “(i)” insert “, (ia),”.

(3) In regulation 25(11) (treatment of child care charges)—

(a) after sub-paragraph (d)(ii), insert—

“(iia) pension age disability payment;”;

(b) after sub-paragraph (e), insert—

“(ea) a pension age disability payment was payable on account of his incapacity but has ceased to be payable in accordance with regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(4) In regulation 72 (non-dependant deductions)—

(a) after paragraph (6)(b)(i), insert—

“(ia) pension age disability payment;”;

(a) S.R. 2005 No. 506, as amended by S.R. 2013 No. 58.

(b) S.R. 2006 No. 405; relevant amending instruments are S.R. 2008 No. 428, S.R. 2010 No. 69, S.R. 2011 No. 357, S.I. 2013/3021, S.R. 2016 No. 228, S.R. 2017 Nos. 205 and 219, S.R. 2020 No. 108, S.I. 2021/786, S.R. 2021 Nos. 345 and 1188, S.I. 2022/177, S.I. 2023/1218, S.R. 2023 Nos. 97 and 184.

- (b) in paragraph (9)(a), after “attendance allowance”, insert “, pension age disability payment”.
- (5) In regulation 73F(1) (exception to the benefit cap: receipt of specified benefit)—
 - (a) after sub-paragraph (c), insert—
 - “(ca) the claimant or the claimant’s partner is receiving pension age disability payment;”;
 - (b) in sub-paragraph (g)—
 - (i) after “in sub-paragraph (b), (c),”, insert “(ca),”;
 - (ii) after head (i), insert—
 - “(ia) in the case of pension age disability payment, that payment is not payable in accordance with regulation 19 (effect of admission to a care home on ongoing entitlement to pension age disability payment) or regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024;”.
- (6) In Schedule 4 (applicable amounts)—
 - (a) in paragraph 7(2), after “attendance allowance”, insert “, pension age disability payment”;
 - (b) in paragraph 13(1)(a)—
 - (i) in sub-head (i), after “attendance allowance”, insert “, pension age disability payment”;
 - (ii) after sub-head (iiib), insert—
 - “(iiic) was in receipt of pension age disability payment that is no longer payable by virtue of regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024;”;
 - (c) in paragraph 14—
 - (i) in sub-paragraphs (2)(b)(i) and (4)(a), after “attendance allowance”, insert “, pension age disability payment”;
 - (ii) after sub-paragraph (5)(d), insert—
 - “(e) as being in receipt of pension age disability payment if that person would, but for regulation 20 of the Disability Assistance for Older People (Scotland) Regulations 2024 (effect of admission to hospital on ongoing entitlement to pension age disability payment) be so in receipt.”.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006

28.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(a) are amended as follows.

- (2) In regulation 2(1) (interpretation)—
 - (a) in the definition of “member of a couple who cannot share a bedroom”, after sub-paragraph (a)(i), insert—

(a) S.R. 2006 No. 406; relevant amending instruments are S.R. 2008 No. 428, S.R. 2010 No. 69, S.R. 2011 No. 357, S.I. 2013/3021, S.R. 2016 No. 228, S.R. 2017 Nos. 205 and 219, S.R. 2020 No. 108, S.I. 2021/786, S.R. 2021 No. 345, S.I. 2022/177, S.I. 2022/530, S.R. 2023 Nos. 97 and 184.

- “(ia) pension age disability payment at the higher rate in accordance with regulation 6 of the Disability Assistance for Older People (Scotland) Regulations 2024;”;
- (b) after the definition of “payment”, insert—
- ““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”;
- (c) in the definition of “person who requires overnight care”—
- (i) after sub-paragraph (a)(i), insert—
- “(ia) is in receipt of pension age disability payment;”;
- (ii) in sub-paragraph (a)(iii), after “(i),”, insert “(ia),”.
- (3) In regulation 29(11) (treatment of child care charges)—
- (a) after sub-paragraph (d)(ii), insert—
- “(iia) pension age disability payment;”;
- (b) after sub-paragraph (e), insert—
- “(ea) a pension age disability payment was payable on account of his incapacity but has ceased to be payable in accordance with regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024;”.
- (4) In regulation 53 (non-dependant deductions)—
- (a) after paragraph (6)(b)(i), insert—
- “(ia) pension age disability payment;”;
- (b) in paragraph (10)(a), after “attendance allowance”, insert “, pension age disability payment,”.
- (5) In Schedule 4 (applicable amounts)—
- (a) after paragraph 5(2)(b), insert—
- “(ba) pension age disability payment;”;
- (b) in paragraph 6—
- (i) in sub-paragraphs (2)(a)(i) and (b)(i) and (6)(a), after “attendance allowance”, insert “, pension age disability payment;”;
- (ii) after sub-paragraph (7)(d), insert—
- “;”
- (e) as being in receipt of pension age disability payment if that person would, but for regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024(a) be so in receipt.”.
- (6) After paragraph 5(1)(a)(iii) of Schedule 5 (sums disregarded from claimant’s earnings), insert—
- “(iia) pension age disability payment;”.

Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008

29.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(a) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “pay period”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(3) In regulation 158(3)(b), (c), (d)(i) and (ii), (meaning of “person in hardship”), after “attendance allowance”, insert “, pension age disability payment”.

(4) In Schedule 4 (amounts)—

(a) after paragraph 4(2)(b), insert—

“(ba) pension age disability payment;”;

(b) in paragraph 6—

(i) in sub-paragraphs (2)(a)(i) and (b)(i) for “or attendance allowance” substitute “, attendance allowance or pension age disability payment”;

(ii) in sub-paragraph (2)(b)(ii) for “or attendance allowance” in both places it occurs substitute “, attendance allowance or pension age disability payment”;

(iii) in sub-paragraph (4)(a), after “attendance allowance”, insert “, pension age disability payment”;

(iv) after sub-paragraph (5)(d), insert—

“(e) as being in receipt of pension age disability payment if the person would, but for regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024, be so in receipt.”.

(5) In paragraph 19 of Schedule 6 (housing costs)—

(a) after sub-paragraph (6)(b)(i), insert—

“(ia) pension age disability payment;”;

(b) in sub-paragraph (8)(a), after “attendance allowance”, insert “, pension age disability payment”.

Amendment of the Universal Credit Regulations (Northern Ireland) 2016

30.—(1) The Universal Credit Regulations (Northern Ireland) 2016(b) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “partner”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(3) In regulation 14(1)(b) (exceptions to the requirement not to be receiving education), after “attendance allowance”, insert “, pension age disability payment”.

(4) In regulation 42(2)(a) (when an assessment may be carried out), after “attendance allowance”, insert “, pension age disability payment”.

(5) In regulation 83(1) (exceptions – entitlement or receipt of certain benefits)—

(a) S.R. 2008 No. 280; relevant amending instruments are S.R. 2010 No. 69, S.R. 2011 No. 357, S.R. 2017 Nos. 205 and 219, S.R. 2020 No. 108, S.R. 2021 Nos. 345 and 786, S.I. 2022/177 and S.R. 2023 Nos. 97 and 184.

(b) S.R. 2016 No. 216; relevant amending instruments are S.I. 2021/786, S.R. 2021 No. 303, S.I. 2021/1188 and S.I. 2022/177.

- (a) after sub-paragraph (d), insert—
 - “(da) a claimant is receiving pension age disability payment;”;
- (b) at the end of sub-paragraph (i)(iva) omit “or”;
- (c) after sub-paragraph (i)(v) insert—
 - “or
 - (vi) in the case of pension age disability payment, is not receiving it by virtue of regulation 19 (effect of admission to a care home on ongoing entitlement to pension age disability payment) or regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024;”.
- (6) After paragraph 4(3)(b)(ii) of Schedule 3 (claimant treated as occupying or not occupying accommodation), insert—
 - “(iia) pension age disability payment.”.
- (7) In Schedule 4 (housing costs element for renters)—
 - (a) in paragraph 11—
 - (i) after sub-paragraph (3)(a)(ii), insert—
 - “(iia) pension age disability payment;”;
 - (ii) after sub-paragraph (6A)(a)(ii), insert—
 - “(iia) pension age disability payment at the higher rate in accordance with regulation 6 of the Disability Assistance for Older People (Scotland) Regulations 2024;”;
 - (b) in paragraph 14—
 - (i) after sub-paragraph (2)(c), insert—
 - “(ca) in receipt of pension age disability payment;”;
 - (ii) in sub paragraph (2)(e)—
 - (aa) after “(c),” insert “(ca),”;
 - (bb) at the end of sub-head (iv), omit “or”;
 - (cc) after sub-head (v), insert—
 - “, or
 - (vi) regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024.”;
 - (c) in paragraph 15—
 - (i) after sub-paragraph (2)(d), insert—
 - “(da) in receipt of pension age disability payment;”;
 - (ii) in sub-paragraph (2)(f)—
 - (aa) after “(d),” insert “(da),”;
 - (bb) at the end of sub-head (iv), omit “or”;
 - (cc) after sub-head (v), insert—
 - “, or

- (vi) regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

(8) In paragraph 5 of Schedule 9 (circumstances in which a claimant is to be treated as having limited capability for work and work-related activity) after “attendance allowance”, insert “, pension age disability payment”.

Amendment of the Jobseeker’s Allowance Regulations (Northern Ireland) 2016

31.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 2016(a) are amended as follows.

(2) In regulation 41 (remunerative work)—

- (a) in paragraph (3)(c)(i), (ii) and (iv), after “attendance allowance”, in each place it occurs, insert “, pension age disability payment”;
- (b) in paragraph (4), after the definition of “daily living component”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2016

32.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2016(b) are amended as follows.

(2) In regulation 94 (meaning of “person in hardship”)—

- (a) in paragraphs (3)(a), (b), (c)(i) and (ii), after “attendance allowance”, insert “, pension age disability payment”;
- (b) in paragraph (7), after the definition of “disability living allowance”, insert—

““pension age disability payment” has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;”.

Amendment of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016

33.—(1) The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016(c) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “Scottish disability benefit”—

- (a) for “either” substitute “any”;
- (b) at the end of paragraph (a) omit “and”;
- (c) after paragraph (b) insert—

“or

(a) S.R. 2016 No. 218; relevant amending instruments are S.I. 2021/786 and 2022/177.
(b) S.R. 2016 No. 219; relevant amending instruments are S.I. 2021/786 and 2022/177.
(c) S.R. 2016 No. 221, amended by S.I. 2022/177.

- (c) pension age disability payment within the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024 in circumstances where regulation 45(1) of those Regulations applies;”.

Signed by authority of the Secretary of State for Work and Pensions

9th September 2024

Andrew Western
Parliamentary Under Secretary of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Order)

The Disability Assistance for Older People (Scotland) Regulations 2024 (S.S.I. 2024/166) introduce arrangements for the payment of disability assistance in the form of pension age disability payment. Pension age disability payment replaces attendance allowance in Scotland.

This instrument makes consequential amendments to social security legislation in England and Wales, Scotland and Northern Ireland, as the case may be, governing entitlement to certain benefits.

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

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