SCOTTISH STATUTORY INSTRUMENTS

2024 No. 311

SOCIAL SECURITY

The Disability Assistance (Scottish Adult Disability Living Allowance) (Consequential Amendment, Revocation and Saving Provision) Regulations 2024

Made - - - -	*30th October 2024*
Laid before the Scottish Parliament	*1st November 2024*
Coming into force - -	*21st March 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 95 of the Social Security (Scotland) Act 2018(**a**) and all other powers enabling them to do so.

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Disability Assistance (Scottish Adult Disability Living Allowance) (Consequential Amendment, Revocation and Saving Provision) Regulations 2024 and come into force on 21 March 2025.

PART 2

Amendments in relation to Scottish Adult Disability Living Allowance

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

2. In regulation 9(2)(b) (conditions relating to residence and presence in Great Britain) of the Social Security (Invalid Care Allowance) Regulations 1976(**b**) after head (ii), insert—

> "(iia) the care component of Scottish adult disability living allowance at the highest or middle rate in accordance with regulation 6(4)(a) or (b) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**c**);".

(**a**) 2018 asp 9.
(**b**) S.I. 1976/409, relevantly amended by S.I. 2013/388, S.I. 2013/591, S.S.I. 2021/174, S.S.I. 2023/346, S.S.I. 2024/141 and S.S.I. 2024/919.
(**c**) S.S.I. 2025/XXX.

Amendment of the Council Tax (Discounts) (Scotland) Regulations 1992

3. In regulation 2(3)(c) (care workers) of the Council Tax (Discounts) (Scotland) Regulations 1992(**a**) after head (iiie)—

(a) omit "or", and

(b) insert—

"(iiif) the highest rate of the care component of Scottish adult disability living allowance in accordance with regulation 6(4)(a) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**b**), or short-term assistance in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations where the "earlier determination" referred to in paragraph 1(1)(a) of schedule 1 (entitlement to short-term assistance) of those Regulations awarded the highest rate of the care component of Scottish adult disability living allowance, or".

Amendment of the National Assistance (Assessment of Resources) Regulations 1992

4.—(1) The National Assistance (Assessment of Resources) Regulations 1992(**c**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation)—

(a) after the definition of "savings credit", insert—

""Scottish adult disability living allowance" means disability assistance given in accordance with the Scottish Adult Disability Living Allowance Regulations,

"Scottish Adult Disability Living Allowance Regulations" means the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**d**),",

(b) in the definition of "short-term assistance" after "Pension Age Disability Payment Regulations" insert "or Part 1 of schedule 1 of the Scottish Adult Disability Living Allowance Regulations".

(3) In paragraph 3 of schedule 2 (sums to be disregarded in the calculation of earnings)—

(a) in sub-paragraph (2)(b)(i) after "mobility supplement," insert "Scottish adult disability living allowance,",

(b) after sub-paragraph (2)(b)(vi) insert—

"(via) would be in receipt of the care component of Scottish adult disability living allowance had the amount of that component to which the individual is entitled not been reduced to £0 in accordance with regulation 22 (effect of admission to a care home on ongoing entitlement to care component) or regulation 27 (entitlement beginning while in alternative accommodation) of the Scottish Adult Disability Living Allowance Regulations due to the individual being resident in a care home for more than 28 days, or",

(c) after sub-paragraph (4) insert—

"(5) In sub-paragraph (2)(b)(via), "care home" has the meaning given in regulation 2 of the Scottish Adult Disability Living Allowance Regulations.".

(4) In schedule 3 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 4, after "mobility component of any disability living allowance," insert "the mobility component of Scottish adult disability living allowance, or any payment of short-term assistance where the "earlier determination" mentioned in paragraph 1(1)(a) of

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(**a**) S.I. 1992/1409, relevantly amended by S.S.I. 2022/31 and S.S.I. 2024/141.
(**b**) S.S.I. 2025/XXX.
(**c**) S.I. 1992/2977, relevantly amended by S.I. 1993/2230, S.I. 1995/858, S.S.I. 2003/425, S.S.I. 2013/65, S.S.I. 2021/73, S.S.I. 2022/31 and S.S.I. 2024/141.
(**d**) S.S.I. 2025/XXX.

schedule 1 (entitlement to short-term assistance) of the Scottish Adult Disability Living Allowance Regulations awarded the mobility component of Scottish adult disability living allowance,",

(b) in paragraph 6, after sub-paragraph (b) insert—

"(ba) the care component of Scottish adult disability living allowance,

(bb) any payment of short-term assistance where the "earlier determination" mentioned in paragraph 1(1)(a) of schedule 1 (short-term assistance) of the Scottish Adult Disability Living Allowance Regulations awarded the care component of Scottish adult disability living allowance;".

Amendment of the Advice and Assistance (Scotland) Regulations 1996

5.—(1) The Advice and Assistance (Scotland) Regulations 1996(**a**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 16 (payment of fees and outlays from property recovered or preserved) after paragraph (2)(ce) insert—

"(cf) to Scottish adult disability living allowance given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2024(**b**), or short-term assistance given in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations,".

(3) In schedule 2 (assessment of disposable capital and disposable income), after paragraph 5(d)(azg) insert—

"(azh) Scottish adult disability living allowance given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025 ("the 2025 Regulations");

(azi) short-term assistance given in accordance with Part 1 of schedule 1 (short-term assistance) of the 2025 Regulations;".

Amendment of the Education (Student Loans) Regulations 1998

6. In the definition of "disability related benefits" in paragraph 1 of schedule 2 (terms of loans) of the Education (Student Loans) Regulations 1998(**c**), after "disability living allowance," insert "Scottish adult disability living allowance given in accordance with the Scottish Adult Disability Living Allowance Regulations 2025(**d**), or short-term assistance in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations,".

Amendment of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000

7.—(1) The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000(**e**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 4(2) (descriptions of disabled persons) after sub-paragraph (ae) insert—

"(af) receives the higher rate of the mobility component of Scottish adult disability living allowance given in accordance with regulation 8 (mobility requirements: higher rate mobility component) of the Scottish Adult Disability Living Allowance Regulations 2025(**f**), or short-term assistance in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations where the "earlier determination"

(**a**) S.I. 1996/2447, relevantly amended by S.S.I. 2021/73, S.S.I. 2022/31, S.S.I. 2023/258 and S.S.I. 2024/141.
(**b**) S.S.I. 2025/XXX.
(**c**) S.I. 1998/211, relevantly amended by S.S.I. 2001/210, S.S.I. 2013/142, S.S.I. 2021/73 and S.S.I. 2022/31.
(**d**) S.S.I. 2025/XXX.
(**e**) S.S.I. 2000/59, relevantly amended by S.S.I. 2007/162, S.S.I. 2013/65, S.S.I. 2014/145, S.S.I. 2021/73 and S.S.I. 2022/31.
(**f**) S.S.I. 2025/XXX.

referred to in paragraph 1(1)(a) of schedule 1 (entitlement to short-term assistance) of those Regulations awarded the higher rate of the mobility component of Scottish adult disability living allowance,".

(3) In regulation 6(2)(b) (fee for issue and period of issue of a badge)—

(a) in the opening words, after "4(2)(ad) insert ", 4(2)(af)",

(b) in head (ii) after "higher rate of the mobility component of the disability living allowance," insert "the higher rate of the mobility component of Scottish adult disability living allowance, or short-term assistance".

Amendment of the Repayment of Student Loans (Scotland) Regulations 2000

8. In the definition of "disability related benefit" in regulation 2 (interpretation) of the Repayment of Student Loans (Scotland) Regulations 2000(**a**), after "disability living allowance," insert "Scottish adult disability living allowance given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**b**), short-term assistance given in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations,".

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

9.—(1) The Civil Legal Aid (Scotland) Regulations 2002(**c**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation) after the definition of "the 2023 Act" insert—

""the 2025 Regulations" means the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**d**);".

(3) In regulation 33(a) (payments out of property recovered or preserved: exceptions) after sub-paragraph (xxxi) insert—

"(xxxii) by way of Scottish adult disability living allowance under the 2024 Regulations;

(xxxiii) short-term assistance given in accordance with Part 1 of schedule 1 (short-term assistance) of the 2024 Regulations;".

(4) In paragraph 7 of schedule 2 (rules for computing disposable income), after sub-paragraph (b) insert—

"(ba) Scottish adult disability living assistance given in accordance with the 2024 Regulations;

(bb) short-term assistance given in accordance with Part 1 of schedule 1 (short-term assistance) of the 2024 Regulations;".

Amendment of the Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003

10. In article 4 (the severely mentally impaired) of the Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003(**e**), after paragraph (2)(dc), insert—

"(dd) the care component of Scottish adult disability living allowance under regulation 6 of the Disability Assistance (Scottish Adult Disability Living

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(**a**) S.S.I. 2000/110, relevantly amended by S.I. 2008/1879, S.S.I. 2013/65, S.S.I. 2013/142, S.S.I. 2021/73, and S.S.I. 2022/31.
(**b**) S.S.I. 2025/XXX.
(**c**) S.S.I. 2002/494, relevantly amended by S.S.I. 2021/174, S.S.I. 2023/178, S.S.I. 2023/313, S.S.I. 2024/141 and S.S.I. 2024/216.
(**d**) S.S.I. 2025/XXX.
(**e**) S.S.I. 2003/176, relevantly amended by S.I. 2008/1879, S.S.I. 2013/65, S.S.I. 2013/137, S.S.I. 2013/142, S.S.I. 2021/73, S.S.I. 2022/31 and S.S.I. 2024/141.

Allowance) Regulations 2025(**a**), payable at the highest rate under regulation 6(4)(a) or the middle rate under regulation 6(4)(b), or short-term assistance in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations where the "earlier determination" referred to in paragraph 1(1)(a) of schedule 1 (entitlement to short-term assistance) of those Regulations awarded the highest or middle rate of the care component of Scottish adult disability living allowance;".

Amendment of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003

11. In Table B in Part 2 of the schedule (calculation of requirements) of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003(**b**), in column 2 of the entry which modifies the table in schedule 2 of the Income Support (General) Regulations 1987, in sub-paragraph (1)(b) of the substituted paragraph 13A, after head (iib) insert—

"(iic) in receipt of the highest rate of the care component of Scottish adult disability living allowance in accordance with regulation 6 (care component criterion: lowest, middle or highest rate care component) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**c**) ("the 2025 Regulations") or would be in receipt of that component at that rate had the amount of that component to which the claimant is entitled not been reduced to £0 in accordance with regulation 22 (effect of admission to a care home on ongoing entitlement to care component) or regulation 27 (entitlement beginning while in alternative accommodation) of those Regulations, where the claimant is resident in a care home,

(iid) in receipt of short-term assistance in accordance with Part 1 of schedule 1 (short-term assistance) of the 2025 Regulations where the "earlier determination" referred to in paragraph 1(1)(a) of schedule 1 (entitlement to short-term assistance) of those Regulations awarded the highest rate of the care component of Scottish disability living allowance,".

Amendment of the National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services) (Scotland) Order 2006

12.—(1) The National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services) (Scotland) Order 2006(**d**) is amended in accordance with paragraphs (2) and (3).

(2) In article 2 (interpretation) after the definition of "personal independence payment" insert—

""Scottish adult disability living allowance" means disability assistance given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**e**);".

(3) In article 3 (eligible persons)—

(a) after paragraph (b)(ii) insert—

"(iia) the higher rate of the mobility component of Scottish adult disability living allowance in accordance with regulation 8 of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025 ("the 2025 Regulations"), or short-term assistance in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations where the "earlier

(**a**) S.S.I. 2025/XXX.
(**b**) S.S.I. 2003/460, relevantly amended by S.S.I. 2021/73.
(**c**) S.S.I. 2025/XXX.
(**d**) S.S.I. 2006/117, relevantly amended by S.I. 2005/2078, S.S.I. 2013/65, S.S.I. 2021/175 and S.S.I. 2024/141.
(**e**) S.S.I. 2025/XXX.

determination" referred to in paragraph 1(1)(a) of that schedule awarded the higher rate of the mobility component of Scottish adult disability living allowance;

(iib) the highest or middle rate of the care component of Scottish adult disability living allowance in accordance with regulation 6 of the 2025 Regulations, or short-term assistance in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations where the "earlier determination" referred to in paragraph 1(1)(a) of that schedule awarded the highest or middle rate of the care component of Scottish adult disability living allowance;",

(b) after paragraph (eb) insert—

"(ec) the highest or middle rate of the care component of Scottish adult disability living allowance, or short-term assistance in accordance with Part 1 of schedule 1 (short-term assistance) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2024 where the "earlier determination" referred to in paragraph 1(1)(a) of the schedule awarded the highest or middle rate of the care component of Scottish adult disability living allowance,",

(c) in paragraph (k)—

(i) after sub-paragraph (i) insert—

"(ia) are in receipt of the highest or middle rate of the care component of Scottish adult disability living allowance in accordance with regulation 6(4)(a) or (b) of Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025, or short-term assistance in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations where the "earlier determination" referred to in paragraph 1(1)(a) of the schedule awarded the highest or middle rate of the care component of Scottish adult disability living allowance;",

(ii) after sub-paragraph (iiib) insert—

"(iiic) the highest or middle rate of the care component of Scottish adult disability living allowance, or short-term assistance in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations where the "earlier determination" referred to in paragraph 1(1)(a) of the schedule awarded the highest or middle rate of the care component of Scottish adult disability living allowance,".

Amendment of the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007

13. In regulation 8(6) (additional requirements for applications for a proxy vote for a particular or indefinite period on grounds of blindness or other disability) of the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007(**a**)—

(a) in sub-paragraph (b), after "effect in the application" insert ", or",

(b) after sub-paragraph (b) insert—

"(c) the applicant is in receipt of the higher rate of the mobility component of Scottish adult disability living allowance (payable in accordance with regulation 8 of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**b**), or short-term assistance (payable in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations) where the "earlier determination" referred to in paragraph 1(1)(a) of schedule 1 (entitlement to short-term assistance) of those Regulations awarded the higher rate of the mobility component of Scottish

(**a**) S.S.I. 2007/170, relevantly amended by S.S.I. 2021/73 and S.S.I. 2022/31.
(**b**) S.S.I. 2025/XXX.

adult disability living allowance because of the disability specified in the application and makes a statement to that effect in the application".

Amendment of the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012

14.—(1) The Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012(**a**) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1) (interpretation), after the definition of "savings credit" insert—

""Scottish adult disability living allowance" means—

(a) disability assistance given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**b**), and

(b) where short-term assistance is being given under Part 1 of schedule 1 (short-term assistance) of those Regulations, the "earlier determination" referred to in paragraph 1(1)(a) of the schedule is to be deemed to continue in payment for the purposes of these Regulations,".

(3) In regulation 27(1)(j) (meaning of "income"), after head (iiic) insert—

"(iiid) Scottish adult disability living allowance,".

(4) In regulation 29 (treatment of child care charges)—

(a) after paragraph (11)(f)(ivzb), insert—

"(ivzc) Scottish adult disability living allowance;",

(b) in paragraph (14)(a), after "disability living allowance" insert ", Scottish adult disability living allowance".

(5) In regulation 48 (non-dependant deductions)—

(a) after paragraph (6)(b)(iizb) insert—

"(iizc) the care component of Scottish adult disability living allowance;",

(b) in paragraph (9)(a), after "disability living allowance" insert ", Scottish adult disability living allowance".

(6) In Part 3 (disability premiums) of schedule 1 (applicable amount)—

(a) in paragraphs 6(2), 7(2)(a)(i), 7(2)(b)(i) and 7(6)(a) after each occurrence of "the 1992 Act," insert "the care component of Scottish adult disability living allowance at the highest or middle rate,",

(b) in paragraph 7—

(i) in sub-paragraph (2)(b)(ii) after "the 1992 Act" insert ", the care component of Scottish adult disability living allowance at the highest or middle rate,",

(ii) in sub-paragraph (7)(a) after the second occurrence of "the 1992 Act," insert "the care component of Scottish adult disability living allowance at the highest or middle rate,".

(7) In schedule 2 (sums to be disregarded in the calculation of earnings) after paragraph 5(1)(a)(vb) insert—

"(vc) Scottish adult disability living allowance;".

(8) In Part 1 of schedule 4 (capital disregards) after paragraph 21(2)(eb) insert—

"(ec) Scottish adult disability living allowance;".

(**a**) S.S.I. 2012/319, relevantly amended by S.S.I. 2013/49, S.S.I. 2013/142, S.S.I. 2013/218, S.S.I. 2015/46, S.S.I. 2016/81, S.S.I. 2017/41, S.S.I. 2017/326, S.S.I. 2018/211, S.S.I. 2018/295, S.S.I. 2019/29, S.S.I. 2019/133, S.S.I. 2019/325, S.S.I. 2020/413, S.S.I. 2021/73, S.S.I. 2021/122, S.S.I. 2022/31 and S.S.I. 2024/141.

(**b**) S.S.I. 2025/XXX.

(9) In schedule 5 (amount of alternative maximum council tax reduction) in paragraph 2(a), after "disability living allowance," insert "Scottish adult disability living allowance,".

Amendment of the Home Energy Assistance Scheme (Scotland) Regulations 2013

15.—(1) Regulation 6 (person eligible to apply for a grant) of the Home Energy Assistance Scheme (Scotland) Regulations 2013(**a**) is amended in accordance with paragraphs (2) to (4).

(2) In paragraph (6)(a)—

(a) omit "or" at the end of head (i),

(b) after head (iib) insert—

"(iic) is or lives with a partner who is in receipt of the highest rate of the care component of Scottish adult disability living allowance in accordance with regulation 6 (care component criterion: lowest, middle or highest rate care component) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**b**) or the higher rate of the mobility component of Scottish adult disability living allowance in accordance with regulation 8 (mobility requirements: higher rate mobility component) of those Regulations, or".

(3) In paragraphs (6)(b) and 8(b), after "disability living allowance" insert ", Scottish adult disability living allowance".

(4) In paragraph (9), after sub-paragraph (db) insert—

"(dc) Scottish adult disability living allowance given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**c**);".

Amendment of the Children's Legal Assistance (Scotland) Regulations 2013

16. In paragraph 5 of schedule 1 (assessment of disposable income for the purposes of children's legal aid) of the Children's Legal Assistance (Scotland) Regulations 2013(**d**), after sub-paragraph (l) insert—

"(la) Scottish adult disability living allowance given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**e**),

(lb) short-term assistance given in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations,".

Amendment of the Scottish Parliament (Elections etc.) Order 2015

17. In paragraph 5(6) of schedule 3 (absent voting) of the Scottish Parliament (Elections etc.) Order 2015(**f**)—

(a) at the end of head (b) omit "or",

(b) at the end of head (c) insert "or",

(c) after head (c) insert—

"(d) the application states that the applicant is in receipt of higher rate of the mobility component of Scottish adult disability living allowance (payable under regulation 8 of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**g**), or short-term assistance (payable in accordance with Part 1 of schedule 1 (short-term assistance) of those Regulations) where the "earlier

(**a**) S.S.I. 2013/148, relevantly amended by S.S.I. 2013/253, S.S.I. 2021/73, S.S.I. 2022/31, and S.S.I. 2024/141.
(**b**) S.S.I. 2025/XXX.
(**c**) S.S.I. 2025/XXX.
(**d**) S.S.I. 2013/200, relevantly amended by S.S.I. 2022/31 and S.S.I. 2023/11.
(**e**) S.S.I. 2025/XXX.
(**f**) S.S.I. 2015/425, relevantly amended by S.S.I. 2022/31.
(**g**) S.S.I. 2025/XXX.

determination" referred to in paragraph 1(1)(a) of schedule 1 (entitlement to short-term assistance) of those Regulations awarded the higher rate of the mobility component of Scottish adult disability living allowance because of the disability specified in the application,".

Amendment of the Council Tax Reduction (Scotland) Regulations 2021

18.—(1) The Council Tax Reduction (Scotland) Regulations 2021(**a**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 4 (interpretation) after the definition of ""residential accommodation"" insert—

""Scottish adult disability living allowance" means—

(a) a Scottish adult disability living allowance given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**b**), and

(b) where short-term assistance is being given under Part 1 of schedule 1 (short-term assistance) of those Regulations, the "earlier determination" referred to in paragraph 1(1)(a) of schedule 1 is to be deemed to continue in payment for the purposes of these Regulations,".

(3) In regulation 77 (treatment of childcare charges (applicants with no award of universal credit))—

(a) in paragraph (12)(f)—

(i) at the end of head (xi) omit "or",

(ii) at the end of head (xii) insert "or",

(iii) after head (xii) insert—

"(xiii) Scottish adult disability living allowance,",

(b) in paragraph (15)(a) after "disability living allowance," insert "Scottish adult disability living allowance,".

(4) In regulation 90 (non-dependant deductions)—

(a) in paragraph (6)(b)—

(i) at the end of head (vi) omit "or",

(ii) after head (vii) insert—

", or

(viii) the care component of Scottish adult disability living allowance.",

(b) in paragraph (9)(a), after "disability living allowance," insert "Scottish adult disability living allowance,".

(5) In schedule 1 (applicable amount)—

(a) in paragraph 6(4) after "the 1992 Act," insert "the care component of Scottish adult disability living allowance at the highest or middle rate,",

(b) in paragraph 12(1)(a)—

(i) in sub-head (i) after "disability living allowance," insert " Scottish adult disability living allowance,",

(ii) after sub-head (iiib) insert—

"(iiic) would be in receipt of Scottish adult disability living allowance were it not for regulation 22(2) (effect of admission to hospital on ongoing entitlement to Scottish adult disability living allowance) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025,",

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(**a**) S.S.I. 2021/249, as relevantly amended by S.S.I. 2021/249, S.S.I. 2022/52, S.S.I. 2022/161, S.S.I. 2022/271, S.S.I. 2023/38, S.S.I. 2023/46, S.S.I. 2023/258, S.S.I. 2024/141 and S.S.I. 2024/230.

(**b**) S.S.I. 2025/XXX.

(c) in paragraph 13 in sub-paragraphs (2)(a)(i), (2)(b)(i), (2)(b)(ii), (4)(a) and 5(a) after "the 1992 Act," insert " the care component of Scottish adult disability living allowance at the highest or middle rate,",

(d) after paragraph 14(1)(g) insert—

",

(h) the care component of Scottish adult disability living allowance at the highest rate is payable or would be payable were it not for regulation 22(2) (effect of admission to hospital on ongoing entitlement to adult disability payment) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2024, in respect of the applicant or the applicant's partner".

(6) In schedule 2 (amount of second adult rebate) in paragraph 2(a) after "disability living allowance," insert "Scottish adult disability living allowance,".

Amendment of the Disability Assistance for Working Age People (Scotland) Regulations 2022

19.—(1) The Disability Assistance for Working Age People (Scotland) Regulations 2022(**a**) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (interpretation) after the definition of "residential educational establishment" insert—

""Scottish Adult Disability Living Allowance" means disability assistance for adults given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**b**),".

(3) In regulation 4 (entitlement to other benefits)—

(a) at the end of paragraph (d) omit "or", and

(b) at the end of paragraph (e) insert—

", or

(f) Scottish Adult Disability Living Allowance".

(4) In regulation 14(2)(b) (the relevant date: Adult Disability Payment after an interval)—

(a) at the end of head (iii) omit "or",

(b) at the end of head (iv) insert "or",

(c) after head (iv) insert—

"(v) Scottish adult disability living allowance,".

(5) In regulation 23 (exceptions: Adult Disability Payment after an interval and after reaching the relevant age)—

(a) in paragraph (1)(b)(ii) after "Disability Living Allowance" insert "or Scottish Adult Disability Living Allowance",

(b) in paragraph (7)(a)—

(i) at the end of head (i) omit "or",

(ii) at the end of head (ii) for "and" substitute "or",

(iii) at the end of head (ii) insert—

"(iii) the care component of Scottish Adult Disability Living Allowance, and".

(6) In regulation 25(4) (determination of an award after the person has reached the relevant age)—

(a) at the end of (ii) omit "or",

(**a**) S.S.I. 2022/54, relevantly amended by S.S.I. 2022/217 and S.S.I. 2024/141.
(**b**) S.S.I. 2025/XXX.

(b) at the end of (iii) for "and" substitute "or",

(c) after head (iii) insert—

"(iv) the mobility component of Scottish Adult Disability Living Allowance, and".

(7) In regulation 26(12)(a) (entitlement under special rules for terminal illness)—

(a) at the end of head (iv) omit "or",

(b) at the end of head (v) for "and" substitute "or",

(c) after head (v) insert—

"(vi)Scottish Adult Disability Living Allowance, and".

Amendment of the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023

20.—(1) The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023(**a**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation)—

(a) in the definition of "qualifying disability benefit", after paragraph (d) insert—

"(dia) the care component of Scottish Adult Disability Living Allowance at the middle or highest rate,",

(b) after the definition of "relevant EU Regulation", insert—

""Scottish Adult Disability Living Allowance" means disability living allowance for adults given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**b**),".

(3) In regulation 6 (residence and presence conditions)—

(a) in paragraph (6)—

(i) at the end of sub-paragraph (ff) omit "or",

(ii) at the end of sub-paragraph (gg) insert ", or",

(iii) after sub-paragraph (6)(b)(iii)(gg) insert—

"(hh) regulation 10(7), 12(2), 13 or 14 of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025",

(b) after paragraph (7)(j) insert—

"(k) Scottish Adult Disability Living Allowance by virtue of regulation 20 of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025".

(4) In regulation 23 (temporary stop in entitlement), in paragraph (4)(c)(i)—

(a) at the end of head (bb) omit "or",

(b) at the end of head (cc) insert "or",

(c) after head (cc) insert—

"(dd) regulation 33(3)(a) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025,".

Amendment of the Disability Assistance for Older People (Scotland) Regulations 2024

21.—(1) The Disability Assistance for Older People (Scotland) Regulations 2024(**c**) are amended in accordance with paragraphs (2) to (4).

(**a**) S.S.I. 2023/302, relevantly amended by S.S.I. 2022/108, S.S.I. 2022/336, S.S.I. 2023/149, and S.S.I. 2024/141.
(**b**) S.S.I. 2023/302, to be further relevantly amended by S.S.I. 2024/141.
(**c**) S.S.I. 2024/166.

(2) In regulation 2 (interpretation), after the definition of "relevant EU Regulation" insert—

""Scottish Adult Disability Living Allowance" means disability assistance for adults given in accordance with the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**a**),".

(3) In regulation 4 (entitlement to other benefits)—

(a) at the end of paragraph (d) omit "or", and

(b) at the end of paragraph (e) insert—

"or

(f) Scottish Adult Disability Living Allowance".

(4) In regulation 18 (entitlement under special rules for terminal illness)—

(a) at the end of paragraph (11)(a)(iv) omit "or",

(b) at the end of paragraph (11)(a)(v) for "and" substitute "or",

(c) after paragraph (11)(a)(v) insert—

"(vi) Scottish adult disability living allowance, and".

PART 3

Revocation and Saving of Working Age Disability Living Allowance

Revocation and saving provisions - the Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022

22.—(1) Except where paragraph (2) applies, the Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022(**b**) ("the ADP Transitional Regulations") are revoked.

(2) The ADP Transitional Regulations continue to have effect on and after 21 March 2025 for any individual on whom, prior to 21 March 2025, the Scottish Ministers have served a notice of intention to transfer to Adult Disability Payment under regulation 3 of those Regulations.

SHIRLEY-ANNE SOMERVILLE
A member of the Scottish Government

St Andrew's House,
Edinburgh
30th October 2024

(**a**) S.S.I. 2025/XXX.
(**b**) S.S.I. 2022/217.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make consequential and transitional provision in connection with the introduction of a new form of disability assistance, known as Scottish adult disability living allowance, under section 31 of the Social Security (Scotland) Act 2018 ("the 2018 Act"). Scottish adult disability living allowance is provided for by the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025, along with an associated form of short-term assistance under section 36 of the 2018 Act that is payable in certain circumstances when an individual's award of Scottish adult disability living allowance is under review within the meaning of schedule 10 of that Act.

Regulations 2 to 21 make consequential amendments to secondary legislation in connection with the introduction of Scottish adult disability living allowance. The amendments ensure that individuals who are entitled to Scottish adult disability living allowance have the same entitlements and disregards under that legislation as individuals who are entitled to Disability Living Allowance payable under the Social Security Contributions and Benefits Act 1992. Scottish adult disability living allowance will replace Disability Living Allowance in Scotland for a closed cohort of recipients who are over the age of 18 and who were not transferred onto Personal Independence Payment at, or following, the introduction of Personal Independence Payment on 08 April 2013.

These Regulations also make provision to revoke and save the Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 subject to savings provisions. The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 set out provisions for transferring the awards of individuals in Scotland and currently in receipt of Disability Living Allowance, who were over 16 and under 65 and in receipt of Disability Living Allowance at the introduction of Personal Independence Payment on 08 April 2013, to Social Security Scotland and onto Adult Disability Payment.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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