Draft Regulations laid before the Scottish Parliament under section 96(2) of the Social Security (Scotland) Act 2018, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

SOCIAL SECURITY

The Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025

Made - - - - 2025

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 13 of the Social Security Act 1988(**a**), section 175(4) of the Social Security Contributions and Benefits Act 1992(**b**) and sections 28(2), 31(2), 32(2), 36(2), 51(1), 52, 79, 81(8) and 95 of the Social Security (Scotland) Act 2018(**c**) and all other powers enabling them to do so.

In accordance with section 13(2) of the Social Security Act 1988, the Scottish Ministers have consulted the Welsh Ministers(**d**).

In accordance with section 96(2) of the Social Security (Scotland) Act 2018, a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

In accordance with section 97(2) of the Social Security (Scotland) Act 2018, the Scottish Ministers have informed the Scottish Commission on Social Security of their proposals, notified the Scottish Parliament that they have done so and made their proposals publicly available by such means as they consider appropriate.

(**a**) 1988 c. 7. Section 13 was substituted by section 185(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) and amended by section 27(5) of the Scotland Act 2016 (c. 11) ("the 2016 Act"). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46) as read with section 32 of the 2016 Act.

(**b**) 1992 c. 4. Section 175(4) was amended by paragraph 29(4) of schedule 3 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(**c**) 2018 asp 9 ("the 2018 Act"). Schedules 2, 5, and 6 of the 2018 Act, respectively make provision about the exercise of powers under sections 28, 31, and 32. Section 79 of the 2018 Act was amended by section 4(2) of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (asp 18) ("the 2020 Act"). Schedule 2 of the 2018 Act was amended by section 13(2) of the 2020 Act. Schedule 5 of the 2018 Act was amended by sections 11(2)(a), 11(2)(b) and 13(3) of the 2020 Act. The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). These Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.

(**d**) Functions conferred or imposed on the National Assembly for Wales immediately before the first appointment of a First Minister under section 46 of the Government of Wales Act 2006 (c. 32) by an enactment contained in an Act were transferred to the Welsh Ministers by paragraph 30(2)(c) of schedule 11 of that Act.

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025.

(2) Subject to paragraph (3), these Regulations come into force on 6 November 2025.

(3) Regulations 11(5), 11(8), 11(9), 12(2), 12(5) to (8), 17(1)(a), 17(1)(c), 17(1)(f), 17(1)(h), 17(2), 17(3), 17(5), 17(6), 18(1) to (3), 18(5) and 18(6) come into force on 23 February 2026.

Interpretation

2. In these Regulations—

"the Adult Disability Payment Regulations" means the Disability Assistance for Working Age People (Scotland) Regulations 2022(**a**),

"the Carer Support Payment Regulations" means the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023(**b**),

"the Child Disability Payment Regulations" means the Disability Assistance for Children and Young People (Scotland) Regulations 2021(**c**),

"the Pension Age Disability Payment Regulations" means the Disability Assistance for Older People (Scotland) Regulations 2024(**d**),

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

"the Scottish Child Payment Regulations" means the Scottish Child Payment Regulations 2020(**f**).

PART 2

Amendments

Amendment of the Social Security (Scotland) Act 2018

3.—(1) Section 81 of the Social Security (Scotland) Act 2018(**g**) (carer's allowance supplement) is amended in accordance with paragraphs (2) to (5).

(2) In subsection (11)(b)(i)(C), omit "or".

(3) In subsection (11)(b)(i)(D), for the second "and" substitute "or".

(4) After subsection (11)(b)(i)(D), insert—

"(E) the agreement constituted by the exchange of letters set out in the schedule of the Social Security (Gibraltar) Order 2024 (S.I. 2024/149) between the United Kingdom and Gibraltar, and".

(5) In subsection (15), in paragraph (b) of the definition of "relevant EU Regulation", after "subsection (11)(b)(i)(D)" insert "or subsection (11)(b)(i)(E)".

(**a**) S.S.I. 2022/54, relevantly amended by S.S.I. 2022/217, S.S.I. 2023/346, S.S.I. 2024/166 and S.S.I. 2025/3.
(**b**) S.S.I. 2023/302, relevantly amended by S.S.I. 2024/173.
(**c**) S.S.I. 2021/174, relevantly amended by S.S.I. 2021/416, S.S.I. 2022/41, S.S.I. 2022/217, S.S.I. 2023/346 and S.S.I. 2024/166.
(**d**) S.S.I. 2024/166.
(**e**) S.S.I. 2025/3.
(**f**) S.S.I. 2020/351, relevantly amended by S.S.I. 2022/41.
(**g**) 2018 asp 9. There are amendments to section 81 that are not relevant to these Regulations.

Amendment of the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018

4.—(1) The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018(**a**) are amended in accordance with paragraphs (2) to (4).

(2) In schedule 2 (pregnancy and baby grant), in paragraph 4(2) (residence requirement)—

(a) for head (aa), substitute—

"(aa) a person who, or has a partner who, is habitually resident in the European Economic Area or Switzerland and has been granted indefinite or limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971(**b**) by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act ("the EU Settlement Scheme"),",

(b) after head (aa), insert—

"(aaa) a person who has made a valid application for indefinite or limited leave to enter, or remain in, the United Kingdom under the EU Settlement Scheme and that application is pending a final decision,

(aab) a person who is a family member within the meaning of Article 9 of the EU withdrawal agreement,".

(3) In schedule 3 (early learning grant), in paragraph 3(2) (residence requirement)—

(a) for head (aa), substitute—

"(aa) a person who, or has a partner who, is habitually resident in the European Economic Area or Switzerland and has been granted indefinite or limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act ("the EU Settlement Scheme"),",

(b) after head (aa), insert—

"(aaa) a person who has made a valid application for indefinite or limited leave to enter, or remain in, the United Kingdom under the EU Settlement Scheme and that application is pending a final decision,

(aab) a person who is a family member within the meaning of Article 9 of the EU withdrawal agreement,".

(4) In schedule 4 (school-age grant), in paragraph 4(2) (residence requirement)—

(a) for head (aa), substitute—

"(aa) a person who, or has a partner who, is habitually resident in the European Economic Area or Switzerland and has been granted indefinite or limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act ("the EU Settlement Scheme"),",

(b) after head (aa), insert—

"(aaa) a person who has made a valid application for indefinite or limited leave to enter, or remain in, the United Kingdom under the EU Settlement Scheme and that application is pending a final decision,

(aab) a person who is a family member within the meaning of Article 9 of the EU withdrawal agreement,".

(**a**) S.S.I. 2018/370, relevantly amended by S.S.I. 2019/157 and S.S.I. 2020/399.
(**b**) 1971 c. 77.

Amendment of the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019

5.—(1) The Welfare Foods (Best Start Foods) (Scotland) Regulations 2019(**a**) are amended in accordance with paragraph (2).

(2) In regulation 9(2) (residence requirement)—

(a) at the end of sub-paragraph (aa), insert "("the EU Settlement Scheme")",

(b) after sub-paragraph (aa), insert—

"(aaa) a person who has made a valid application for indefinite or limited leave to enter, or remain in, the United Kingdom under the EU Settlement Scheme and that application is pending a final decision,

(aab) a person who is a family member within the meaning of Article 9 of the EU withdrawal agreement,".

Amendment of the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019

6.—(1) The Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019(**b**) are amended in accordance with paragraph (2).

(2) In regulation 8 (conditions relating to residence)—

(a) in paragraph (5)(a)(i)—

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

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

(iii) after sub-head (dd), insert—

"(ee) the agreement constituted by the exchange of letters set out in the schedule of the Social Security (Gibraltar) Order 2024(**c**) between the United Kingdom and Gibraltar, and",

(b) in paragraph (10), in paragraph (b) of the definition of "relevant EU Regulation" in paragraph (b), after "paragraph (5)(a)(i)(dd)", insert "or paragraph (5)(a)(i)(ee)".

Amendment of the Scottish Child Payment Regulations 2020

7.—(1) The Scottish Child Payment Regulations are amended in accordance with paragraphs (2) and (3).

(2) In regulation 19A (circumstances in which assistance may be suspended), for paragraph (2) substitute—

"(2) Where such a decision is made in respect of an individual, payments of Scottish child payment to that individual are to be suspended until such time as the Scottish Ministers decide to end the suspension in accordance with regulation 19E.".

(3) In paragraph 25 of the schedule (obtaining information to make determination), after sub-paragraph (4), insert—

"(5) A determination made in accordance with paragraph (4) takes effect on the date the individual's Scottish child payment was suspended.".

Amendment of the Disability Assistance for Children and Young People (Scotland) Regulations 2021

8.—(1) The Child Disability Payment Regulations are amended in accordance with paragraphs (2) to (10).

(**a**) S.S.I. 2019/193, relevantly amended by S.S.I. 2023/371.
(**b**) S.S.I. 2019/324, relevantly amended by S.S.I. 2020/475.
(**c**) S.I. 2024/149.

(2) In regulation 2 (interpretation – general), in the definition of "relevant EU Regulation", for paragraph (b) substitute—

"(b) in relation to an individual to whom the agreement constituted by the exchange of letters set out in the schedule of—

(i) the Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974(**a**), or

(ii) the Social Security (Gibraltar) Order 2024,

applies, a Regulation mentioned in paragraph (a) of this definition as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018(**b**),".

(3) In regulation 4(2) (age criteria) after "the 2018 Act" insert "(other than where regulation 35 or 35A applies)".

(4) In regulation 8(c)(i) (persons residing in the United Kingdom to whom a relevant EU regulation applies)—

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

(b) after head (dd), insert—

"or

(ee) the agreement constituted by the exchange of letters set out in the schedule of the Social Security (Gibraltar) Order 2024, and".

(5) In regulation 9(2)(a)(i) (persons residing outside the United Kingdom to whom a relevant EU regulation applies)—

(a) at the end of sub-head (cc), omit "or",

(b) at the end of sub-head (dd), for "and" substitute "or",

(c) after sub-head (dd), insert—

"(ee) the agreement constituted by the exchange of letters set out in the schedule of the Social Security (Gibraltar) Order 2024, and".

(6) In regulation 24(3) (when an application is to be treated as made and beginning of entitlement to assistance), after "application" insert "(other than where regulation 35 or 35A applies)".

(7) In regulation 26A (circumstances in which assistance may be suspended), for paragraph (2), substitute—

"(2) Where such a decision is made in respect of an individual, payments of Child Disability Payment to that individual are to be suspended until such time as the Scottish Ministers decide to end the suspension in accordance with regulation 26E.".

(8) In regulation 29(1)(b) (when a decrease in level or cessation of entitlement takes effect), after head (ia), insert—

"(ib) where the Scottish Ministers have—

(aa) made a decision to suspend the individual's Child Disability Payment in terms of regulation 26A(1) and (3)(a), and

(bb) subsequently made the determination on the basis that the eligibility rules for Child Disability Payment are not satisfied, as provided for by section 54(2) of the 2018 Act,

the individual's Child Disability Payment was suspended, or".

(9) For regulation 35 (individuals in respect of whom Disability Living Allowance is paid in another part of the United Kingdom immediately before moving to Scotland), substitute—

(**a**) S.I. 1974/555.

(**b**) 2018 c. 16, relevantly amended by section 25(2) of the European Union (Withdrawal Agreement) Act 2020 (c. 1).

"Individuals in respect of whom Disability Living Allowance is paid in another part of the United Kingdom immediately before moving to Scotland

35.—(1) This regulation applies where an individual—

(a) is under 18 years of age,

(b) becomes resident in Scotland,

(c) was resident in another part of the United Kingdom, and

(d) was entitled to Disability Living Allowance immediately before the date of the move.

(2) Where, on the basis of an application, a determination is made that an individual to whom paragraph (1) applies is entitled to Child Disability Payment, entitlement to assistance is to begin in accordance with paragraphs (3) to (5).

(3) Where, for the purpose of an application for Child Disability Payment—

(a) the full name and date of birth of an individual ("the required data") is submitted by, or on behalf of, the individual to the Scottish Ministers within 26 weeks of the date of the move, and

(b) an application is made within 32 weeks of the date of the move,

entitlement begins on the day on which the individual's entitlement to Disability Living Allowance ceased.

(4) Subject to paragraph (5), where the required data or application is submitted after the period described in paragraph (3)(a) or (b), entitlement to Child Disability Payment begins in accordance with regulation 24(4) to (6) (when an application is to be treated as made and beginning of entitlement to assistance).

(5) Where the Scottish Ministers are satisfied that there is a good reason why the required data or application was submitted after the period described in paragraph (3)(a) or (b), they may treat the required data as having been submitted, or the application as having been made, within that period.

(6) In this regulation, "the date of the move" is the date when the individual becomes resident in Scotland, as notified by the individual or otherwise communicated to the Scottish Ministers (whether the notification takes place before or after the date of the move).".

(10) After regulation 35, insert—

"Individuals in respect of whom Disability Living Allowance was paid before 7 July 2023

35A.—(1) This regulation applies where an individual—

(a) immediately before 7 July 2023—

(i) was entitled to Disability Living Allowance, and

(ii) either—

(aa) fell within the definition of a "relevant individual" in terms of regulation 41 and paragraph 7 of the schedule as they applied before 6 November 2025, or

(bb) would have fallen within the definition referred to in sub-head (aa) had the entitlement to Disability Living Allowance referenced in head (i) been established prior to 7 July 2023,

(b) has not had their entitlement transferred or otherwise become entitled to Child Disability Payment, and

(c) is not a person to whom regulation 35(1) applies.

(2) Where, on the basis of an application, a determination is made that an individual to whom paragraph (1) applies is entitled to Child Disability Payment, entitlement to assistance is to begin in accordance with paragraph (3) to (5).

(3) Where, for the purpose of an application for Child Disability Payment—

(a) the full name and date of birth of an individual ("the required data") is submitted by, or on behalf of, the individual to the Scottish Ministers within 26 weeks of the date on which the Scottish Ministers become aware that the individual's previous entitlement to Disability Living Allowance was not transferred to an entitlement to Child Disability Payment, and

(b) an application is made within 32 weeks of the date on which the Scottish Ministers become aware that the individual's previous entitlement to Disability Living Allowance was not transferred to an entitlement to Child Disability Payment,

entitlement begins on the day on which the individual's entitlement to Disability Living Allowance ceased.

(4) Subject to paragraph (5), where the required data or application is submitted after the period described in paragraph (3)(a) or (b), entitlement to Child Disability Payment begins in accordance with regulation 24(4) to (6) (when an application is to be treated as made and beginning of entitlement to assistance).

(5) Where the Scottish Ministers are satisfied that there is a good reason why the required data or application was submitted after the period described in paragraph (3)(a) or (b), they may treat the required data as having been submitted, or the application as having been made, within that period.

(6) In this regulation and regulation 35B, references to transfer to Child Disability Payment are to transfer by virtue of regulation 41 and Part 3 of the schedule, as they applied before 6 November 2025.

Individuals with entitlement to Child Disability Payment in respect of whom Disability Living Allowance was paid before 7 July 2023

35B.—(1) This regulation applies where an individual—

(a) immediately before 7 July 2023—

(i) was entitled to Disability Living Allowance, and

(ii) either—

(aa) fell within the definition of a "relevant individual" in terms of regulation 41 and paragraph 7 of the schedule as they applied before 6 November 2025, or

(bb) would have fallen within the definition referred to in sub-head (aa) had the entitlement to Disability Living Allowance referenced in head (i) been established prior to 7 July 2023,

(b) has not had their entitlement transferred to Child Disability Payment,

(c) has continuing entitlement to Child Disability Payment, and

(d) is not a person to whom regulation 35(1) applies.

(2) The Scottish Ministers must make a determination of an individual's entitlement to Child Disability Payment, without receiving an application, where they become aware that paragraph (1) applies to that individual.

(3) Where a determination is made under paragraph (2) that an individual is entitled to Child Disability Payment, entitlement to assistance is to begin on the day on which the individual's entitlement to Disability Living Allowance ceased.".

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

9.—(1) The Adult Disability Payment Regulations are amended in accordance with paragraphs (2) to (10).

(2) In regulation 2 (interpretation), in the definition of "relevant EU Regulation", for paragraph (b) substitute—

"(b) in relation to an individual to whom the agreement constituted by the exchange of letters set out in the schedule of—

(i) the Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974(**a**), or

(ii) the Social Security (Gibraltar) Order 2024(**b**),

applies, a Regulation mentioned in paragraph (a) of this definition as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018(**c**).".

(3) In regulation 19(c)(i) (persons residing in the United Kingdom to whom a relevant EU regulation applies)—

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

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

(c) after head (dd), insert—

"(ee) the agreement constituted by the exchange of letters set out in the schedule of the Social Security (Gibraltar) Order 2024, and".

(4) In regulation 20(2)(a)(i) (persons residing outside the United Kingdom to whom a relevant EU regulation applies)—

(a) at the end of sub-head (cc), omit "or",

(b) at the end of sub-head (dd), for "and" substitute "or",

(c) after sub-head (dd), insert—

"(ee) the agreement constituted by the exchange of letters set out in the schedule of the Social Security (Gibraltar) Order 2024, and".

(5) In regulation 24 (persons who have reached the relevant age: other exceptions)—

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

(b) after paragraph (e), insert—

", or

(f) is an individual to whom regulation 52 or 52A applies.".

(6) In regulation 35(3) (when an application is to be treated as made and beginning of entitlement to assistance), after "regulation" insert "52, 52A,".

(7) In regulation 38 (circumstances in which assistance may be suspended), for paragraph (2), substitute—

"(2) Where such a decision is made in respect of an individual, payments of Adult Disability Payment to that individual are to be suspended until such time as the Scottish Ministers decide to end the suspension in accordance with regulation 42.".

(8) In regulation 46(1)(b) (when a decrease in level or cessation of entitlement takes effect)—

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

(b) after head (i), insert—

(**a**) S.I. 1974/555.
(**b**) S.I. 2024/149.
(**c**) 2018 c. 16, relevantly amended by section 25(2) of the European Union (Withdrawal Agreement) Act 2020 (c. 1).

"(ia) where the Scottish Ministers have—

(aa) made a decision to suspend the individual's Adult Disability Payment in terms of regulation 38(1) and (3)(a), and

(bb) subsequently made the determination on the basis that the eligibility rules for Adult Disability Payment are not satisfied, as provided for by section 54(2) of the 2018 Act,

the individual's Adult Disability Payment was suspended, or".

(9) For regulation 52 (individuals in respect of whom Personal Independence Payment is paid in another part of the United Kingdom immediately before moving to Scotland), substitute—

"Individuals in respect of whom Personal Independence Payment is paid in another part of the United Kingdom immediately before moving to Scotland

52.—(1) This regulation applies where an individual—

(a) becomes resident in Scotland,

(b) was resident in another part of the United Kingdom, and

(c) was entitled to Personal Independence Payment ("the previous award") immediately before the date of the move.

(2) Where, on the basis of an application, a determination is made that an individual to whom paragraph (1) applies is entitled to Adult Disability Payment, entitlement to assistance is to begin in accordance with paragraph (3) to (5).

(3) Where, for the purpose of an application for Adult Disability Payment—

(a) the full name and date of birth of an individual ("the required data") is submitted by, or on behalf of, the individual to the Scottish Ministers within 26 weeks of the date of the move, and

(b) an application is made within 34 weeks of the date of the move,

entitlement begins on the day on which the individual's entitlement to Personal Independence Payment ceased.

(4) Subject to paragraph (5), where the required data or application is submitted after the period described in paragraph (3)(a) or (b), entitlement to Adult Disability Payment begins in accordance with regulation 35(4) to (6) (when an application is to be treated as made and beginning of entitlement to assistance).

(5) Where the Scottish Ministers are satisfied that there is a good reason why the required data or application was submitted after the period described in paragraph (3)(a) or (b), they may treat the required data as having been submitted, or the application as having been made, within that period.

(6) The restrictions in paragraph (7) apply where the Scottish Ministers are under a duty to make a determination in relation to an application by an individual to whom this regulation applies where that individual is over the relevant age as defined in regulation 22(2) on the date of the move.

(7) The restrictions referred to in paragraph (6) are, where the previous award—

(a) contains a mobility component award for the standard rate then, regardless of whether the award would otherwise have been for the enhanced rate, the Scottish Ministers—

(i) may only make an award for the standard rate of that component, and

(ii) may only make such an award where entitlement results from substantially the same condition or conditions in respect of which the mobility component in the previous award was given,

(b) contains a mobility component award for the enhanced rate, the Scottish Ministers may only award the enhanced rate of that component where entitlement results

from substantially the same condition or conditions in respect of which the mobility component in the previous award was given,

(c) does not contain an award of the mobility component, the Scottish Ministers may not award that component at either the standard or enhanced rate.

(8) In this regulation, "the date of the move" is the date when the individual becomes resident in Scotland, as notified by the individual or otherwise communicated to the Scottish Ministers (whether the notification takes place before or after the date of the move).".

(10) After regulation 52, insert—

"Individuals in respect of whom Personal Independence Payment was paid before 6 November 2025

52A.—(1) This regulation applies where an individual—

(a) immediately before 6 November 2025—

(i) was entitled to Personal Independence Payment ("the previous award"), and

(ii) either—

(aa) fell within the definition of a "relevant individual" in terms of regulation 60 and paragraph 7 of schedule 2 as they applied before 6 November 2025, or

(bb) would have fallen within the definition referred to in sub-head (aa) had the entitlement to Personal Independence Payment under the previous award been established prior to 6 November 2025,

(b) has not had their entitlement transferred to or otherwise become entitled to Adult Disability Payment, and

(c) is not a person to whom regulation 52(1) applies.

(2) Where, on the basis of an application, a determination is made that an individual to whom paragraph (1) applies is entitled to Adult Disability Payment, entitlement to assistance is to begin in accordance with paragraph (3) to (5).

(3) Where, for the purpose of an application for Adult Disability Payment—

(a) the full name and date of birth of an individual ("the required data") is submitted by, or on behalf of, the individual to the Scottish Ministers within 26 weeks of the date on which the Scottish Ministers become aware that the individual's previous entitlement to Personal Independence Payment was not transferred to an entitlement to Adult Disability Payment, and

(b) an application is made within 34 weeks of the date on which the Scottish Ministers become aware that the individual's previous entitlement to Personal Independence Payment was not transferred to an entitlement to Adult Disability Payment,

entitlement begins on the day on which the individual's entitlement to Personal Independence Payment ceased.

(4) Subject to paragraph (5), where the required data or application is submitted after the period described in paragraph (3)(a) or (b), entitlement to Adult Disability Payment begins in accordance with regulation 35(4) to (6) (when an application is to be treated as made and beginning of entitlement to assistance).

(5) Where the Scottish Ministers are satisfied that there is a good reason why the required data or application was submitted after the period described in paragraph (3)(a) or (b), they may treat the required data as having been submitted, or the application as having been made, within that period.

(6) The restrictions in paragraph (7) apply where the Scottish Ministers are under a duty to make a determination in relation to an application by an individual to whom this

regulation applies where that individual is over the relevant age as defined in regulation 22(2) on 6 November 2025.

(7) The restrictions referred to in paragraph (6) are, where the previous award—

(a) contains a mobility component award for the standard rate then, regardless of whether the award would otherwise have been for the enhanced rate, the Scottish Ministers—

(i) may only make an award for the standard rate of that component, and

(ii) may only make such an award where entitlement results from substantially the same condition or conditions in respect of which the mobility component in the previous award was given,

(b) contains a mobility component award for the enhanced rate, the Scottish Ministers may only award the enhanced rate of that component where entitlement results from substantially the same condition or conditions in respect of which the mobility component in the previous award was given,

(c) does not contain an award of the mobility component, the Scottish Ministers may not award that component at either the standard or enhanced rate.

(8) In this regulation and regulation 52B, references to transfer to Adult Disability Payment are to transfer by virtue of regulation 60 and Part 3 of schedule 2, as they applied before 6 November 2025.

Individuals with entitlement to Adult Disability Payment in respect of whom Personal Independence Payment was paid before 6 November 2025

52B.—(1) This regulation applies where an individual—

(a) immediately before 6 November 2025—

(i) was entitled to Personal Independence Payment, and

(ii) either—

(aa) fell within the definition of a "relevant individual" in terms of regulation 60 and paragraph 7 of schedule 2 as they applied before 6 November 2025, or

(bb) would have fallen within the definition referred to in sub-head (aa) had the entitlement to Personal Independence Payment referenced in head (i) been established prior to 6 November 2025,

(b) has not had their entitlement transferred to Adult Disability Payment,

(c) has continuing entitlement to Adult Disability Payment, and

(d) is not a person to whom regulation 52(1) applies.

(2) The Scottish Ministers must make a determination of an individual's entitlement to Adult Disability Payment, without receiving an application, where they become aware that paragraph (1) applies to that individual.

(3) Where a determination is made under paragraph (2) that an individual is entitled to Adult Disability Payment, entitlement to assistance is to begin on the day on which the individual's entitlement to Personal Independence Payment ceased.".

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

10.—(1) The Carer Support Payment Regulations are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2 (interpretation), in the definition of "relevant EU Regulation", for paragraph (b) substitute—

"(b) in relation to an individual to whom the agreement constituted by the exchange of letters set out in the schedule of—

(i) the Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974(**a**), or

(ii) the Social Security (Gibraltar) Order 2024(**b**),

applies, a Regulation mentioned in paragraph (a) of this definition as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018(**c**),".

(3) In regulation 10(1)(c)(i) (persons residing in the United Kingdom to whom a relevant EU regulation applies)—

(a) at the end of sub-head (cc), omit "or",

(b) after sub-head (dd), insert—

"or

(ee) the agreement constituted by the exchange of letters set out in the schedule of the Social Security (Gibraltar) Order 2024, and".

(4) In regulation 11(2)(a)(i) (persons residing outside the United Kingdom to whom a relevant EU regulation applies)—

(a) at the end of sub-head (cc), omit "or",

(b) at the end of sub-head (dd), for "and" substitute "or",

(c) after sub-head (dd), insert—

"(ee) the agreement constituted by the exchange of letters set out in the schedule of the Social Security (Gibraltar) Order 2024, and".

(5) In regulation 18 (when an application is to be treated as made and beginning of entitlement to assistance)—

(a) in paragraph (2)—

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

(ii) after sub-paragraph (c), insert—

",

(d) where regulation 41 (individuals in respect of whom Carer's Allowance is paid in another part of the United Kingdom immediately before moving to Scotland) applies, in accordance with that regulation, or

(e) where regulation 41A (individuals in respect of whom Carer's Allowance was paid before 6 November 2025 applies), in accordance with that regulation.".

(b) for paragraph (3), substitute—

"(3) Where the individual does not satisfy the eligibility requirements set out in Part 3 of these Regulations on the date referred to in paragraph (2)(a), (b), (d) or (e), the Scottish Ministers may choose that entitlement begins on a later date, provided that—

(a) the individual satisfies the eligibility requirements set out in Part 3 of these Regulations on the later date, and

(b) that later date is no more than 13 weeks after the day on which their application is treated as made in accordance with paragraph (1).".

(c) for paragraph (4), substitute—

(**a**) S.I. 1974/555.
(**b**) S.I. 2024/149.
(**c**) 2018 c. 16, relevantly amended by section 25(2) of the European Union (Withdrawal Agreement) Act 2020 (c. 1).

"(4) For the purposes of section 38(3) of the 2018 Act(**a**), the period covered by an application for Carer Support Payment—

(a) under paragraph (2)(a)—

(i) begins on the day on which the application is treated as having been made, and

(ii) ends on—

(aa) the day on which the determination of entitlement is made, or

(bb) the date entitlement begins,

whichever is later,

(b) under paragraph (2)(b)—

(i) begins on the chosen date referred to in paragraph (2)(b), and

(ii) ends on—

(aa) the day on which the determination of entitlement is made, or

(bb) the date entitlement begins,

whichever is later,

(c) under paragraph (2)(c)—

(i) begins on the date of the relevant qualifying disability benefit decision mentioned in regulation 19(1), and

(ii) ends on the day on which the determination of entitlement is made,

(d) under paragraph (2)(d)—

(i) begins on the date of the move referred to in regulation 41(1), and

(ii) ends on—

(aa) the day on which the determination of entitlement is made, or

(bb) the date entitlement begins,

whichever is later,

(e) under paragraph (2)(e)—

(i) begins on the date the individual's entitlement to Carer's Allowance ceased as mentioned in regulation 41A(3), and

(ii) ends on—

(aa) the day on which the determination of entitlement is made, or

(bb) the date entitlement begins,

whichever is later.".

(6) For regulation 19(2) (applications made within 13 weeks of a qualifying disability benefit decision) substitute—

"(2) Where the individual does not satisfy the eligibility requirements set out in Part 3 of these Regulations on the date on which the relevant qualifying disability benefit decision falls, the Scottish Ministers may determine that entitlement to Carer Support Payment begins on a later date, provided that—

(a) the individual satisfies the eligibility requirements set out in Part 3 on the later date, and

(b) that later date is no more than 13 weeks after the day on which their application is treated as made in accordance with regulation 18(1) (when an application is to be treated as made and beginning of entitlement to assistance).".

(**a**) 2018 asp 9.

(7) In regulation 23 (temporary stop in entitlement)—

(a) in paragraph (1)—

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

(ii) after sub-paragraph (c), insert—

",

(d) the cared for person has become resident in Scotland from another part of the United Kingdom and is therefore no longer a person to whom a qualifying disability benefit is normally payable,

(e) the cared for person is a person to whom one of the qualifying disability benefits specified in paragraph (7A) was normally payable immediately before the corresponding date specified in that paragraph, but is no longer normally payable."

,

(b) after paragraph (7) insert—

"(7A) The qualifying disability benefits and the corresponding dates referred to in paragraph (1)(e) are—

(a) the daily living component of Personal Independence Payment, to be normally payable before 6 November 2025

(b) the care component of Disability Living Allowance at the middle or highest rate, to be normally payable before—

(i) where an individual was under 16 before 7 July 2023, that day, or

(ii) where the individual was 16 or over before 7 July 2023, 23 February 2026,

(c) Attendance Allowance, to be normally payable before 23 February 2026.".

(8) For regulation 41 (individuals in respect of whom Carer's Allowance is paid in another part of the United Kingdom immediately before moving to Scotland), substitute—

"Individuals in respect of whom Carer's Allowance is paid in another part of the United Kingdom immediately before moving to Scotland

41.—(1) This regulation applies where an individual—

(a) becomes resident in Scotland,

(b) was resident in another part of the United Kingdom, and

(c) was entitled to Carer's Allowance in respect of a cared for person immediately before the date of the move.

(2) Where, on the basis of an application, a determination is made that an individual to whom paragraph (1) applies is entitled to Carer Support Payment, entitlement to assistance is to begin in accordance with paragraphs (3) to (5).

(3) Where an application is received by the Scottish Ministers within 26 weeks of the date of the move, entitlement to Carer Support Payment begins on the first day of the award week in which the individual's entitlement to Carer's Allowance ceased.

(4) Subject to paragraph (5), where an application is received by the Scottish Ministers more than 26 weeks after the date of move, entitlement to Carer Support Payment begins in accordance with regulation 18(2)(a), (b) or (c).

(5) Where the Scottish Ministers are satisfied that there is a good reason why an application was made more than 26 weeks after the date of move, they may treat the application as having been made within that period.

(6) Where entitlement begins in accordance with paragraph (3), for the week in which entitlement begins, "award week" means—

(a) where the individual cares for a cared for person who is in receipt of Constant Attendance Allowance, a period of 4 days, starting on the Wednesday of that week and ending on the following Saturday, or

(b) in all other cases, a period of 6 days, starting on the Monday of that week and ending on the following Saturday.

(7) In this regulation, "the date of the move" is the date when the individual becomes resident in Scotland, as notified by the individual or otherwise communicated to the Scottish Ministers (whether the notification takes place before or after the date of the move).".

(9) After regulation 41, insert—

"Individuals in respect of whom Carer's Allowance was paid before 6 November 2025

41A.—(1) This regulation applies where an individual—

(a) immediately before 6 November 2025—

(i) was entitled to Carer's Allowance,

(ii) either—

(aa) fell within the definition of a "relevant individual" in terms of regulation 44 and paragraph 3 of schedule 1 as they applied before 6 November 2025, or

(bb) would have fallen within the definition referred to in sub-head (aa) had the entitlement to Carer's Allowance referenced in head (i) been established prior to 6 November 2025,

(b) has not had their entitlement transferred or otherwise become entitled to Carer Support Payment, and

(c) is not a person to whom regulation 41(1) applies.

(2) Where, on the basis of an application, a determination is made that an individual to whom paragraph (1) applies is entitled to Carer Support Payment, entitlement to assistance is to begin in accordance with paragraphs (3) to (5).

(3) Where an application is received by the Scottish Ministers within 26 weeks of the date on which the Scottish Ministers become aware that the individual's previous entitlement to Carer's Allowance was not transferred to an entitlement to Carer Support Payment, entitlement to Carer Support Payment begins on the first day of the award week in which the individual's entitlement to Carer's Allowance ceased.

(4) Subject to paragraph (5), where an application is received by the Scottish Ministers more than 26 weeks from the date on which the Scottish Ministers become aware that the individual's previous entitlement to Carer's Allowance was not transferred to an entitlement to Carer Support Payment, entitlement to Carer Support Payment begins in accordance with regulation 18(2)(a), (b) or (c).

(5) Where the Scottish Ministers are satisfied that there is a good reason why an application was made more than 26 weeks after the date described in paragraph (3), they may treat the application as having been made within that period.

(6) Where entitlement begins in accordance with paragraph (3), for the week in which entitlement begins, "award week" means—

(a) where the individual cares for a cared for person who is in receipt of Constant Attendance Allowance, a period of 4 days, starting on the Wednesday of that week and ending on the following Saturday, or

(b) in all other cases, a period of 6 days, starting on the Monday of that week and ending on the following Saturday.

(7) In this regulation and regulation 41B, references to transfer to Carer Support Payment are to transfer by virtue of regulation 44 and Part 2 of schedule 1 of these Regulations, as they applied before 6 November 2025.

Individuals with entitlement to Carer Support Payment in respect of whom Carer's Allowance was paid before 6 November 2025

41B.—(1) This paragraph applies where an individual—

(a) immediately before 6 November 2025—

(i) was entitled to Carer's Allowance,

(ii) either—

(aa) fell within the definition of a "relevant individual" in terms of regulation 44 and paragraph 3 of schedule 1 as they applied before 6 November 2025, or

(bb) would have fallen within the definition referred to in sub-head (aa) had the entitlement to Carer's Allowance referenced in head (i) been established prior to 6 November 2025,

(b) has not had their entitlement transferred to Carer Support Payment,

(c) has continuing entitlement to Carer Support Payment, and

(d) is not a person to whom regulation 41(1) applies.

(2) The Scottish Ministers must make a determination of an individual's entitlement to Carer Support Payment, without receiving an application, where they become aware that paragraph (1) applies to that individual.

(3) Subject to paragraph (4), where a determination is made under paragraph (2) that an individual is entitled to Carer Support Payment, their entitlement is to begin on the first day of the award week in which the individual's entitlement to Carer's Allowance ceased.

(4) Where the individual—

(a) does not satisfy the eligibility requirements set out in Part 3 of these Regulations on the date referred to in paragraph (3), and

(b) will satisfy those requirements on a date within 13 weeks of the date referred to in paragraph (3),

their entitlement will begin on the first day of the award week in which they will satisfy those requirements.

(5) Where entitlement begins in accordance with paragraph (3), for the week in which entitlement begins, "award week" means—

(a) where the individual cares for a cared for person who is in receipt of Constant Attendance Allowance, a period of 4 days, starting on the Wednesday of that week and ending on the following Saturday, or

(b) in all other cases, a period of 6 days, starting on the Monday of that week and ending on the following Saturday.".

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

11.—(1) The Pension Age Disability Payment Regulations are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2 (interpretation), in the definition of "relevant EU Regulation", for paragraph (b) substitute—

"(b) in relation to an individual to whom the agreement constituted by the exchange of letters set out in the schedule of

(i) the Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974(**a**), or

(**a**) S.I. 1974/555.

(ii) the Social Security (Gibraltar) Order 2024(**a**),

applies, a Regulation mentioned in paragraph (a) of this definition as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018(**b**),".

(3) In regulation 13(c)(i) (persons residing in the United Kingdom to whom a relevant EU regulation applies)—

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

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

(c) after head (dd), insert—

"(ee) the agreement constituted by the exchange of letters set out in the schedule of the Social Security (Gibraltar) Order 2024, and".

(4) In regulation 14(2)(a)(i) (persons residing outside the United Kingdom to whom a relevant EU regulation applies)—

(a) at the end of sub-head (cc), omit "or",

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

(c) after sub-head (dd), insert—

"(ee) the agreement constituted by the exchange of letters set out in the schedule of the Social Security (Gibraltar) Order 2024, and".

(5) In regulation 27 (when an application is to be treated as made and beginning of entitlement to assistance), in paragraph (3), after "application" insert "(other than where regulation 44 or 44A applies)".

(6) In regulation 30 (circumstances in which assistance may be suspended), for paragraph (2), substitute—

"(2) Where such a decision is made in respect of an individual, payments of Pension Age Disability Payment to that individual are to be suspended until such time as the Scottish Ministers decide to end the suspension in accordance with regulation 34.".

(7) In regulation 38(1)(b) (when a decrease in level or cessation of entitlement takes effect)—

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

(b) after head (i), insert—

"(ia) where the Scottish Ministers have—

(aa) made a decision to suspend the individual's Pension Age Disability Payment in terms of regulation 30(1) and (3)(a), and

(bb) subsequently made the determination on the basis that the eligibility rules for Pension Age Disability Payment are not satisfied, as provided for by section 54(2) of the 2018 Act,

the individual's Pension Age Disability Payment was suspended, or".

(8) For regulation 44 (individuals in respect of whom Attendance Allowance is paid in another part of the United Kingdom immediately before moving to Scotland), substitute—

"Individuals in respect of whom Attendance Allowance is paid in another part of the United Kingdom immediately before moving to Scotland

44.—(1) This regulation applies where an individual—

(a) becomes resident in Scotland,

(b) was resident in another part of the United Kingdom, and

(**a**) S.I. 2024/149.

(**b**) 2018 c.16, relevantly amended by section 25(2) of the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(c) was entitled to Attendance Allowance immediately before the date of the move.

(2) Where, on the basis of an application, a determination is made that an individual to whom paragraph (1) applies is entitled to Pension Age Disability Payment, entitlement to assistance is to begin in accordance with paragraph (3) to (5).

(3) Where, for the purpose of an application for Pension Age Disability Payment—

(a) the full name and date of birth of an individual ("the required data") is submitted by, or on behalf of, the individual to the Scottish Ministers within 26 weeks of the date of the move, and

(b) an application is made within 34 weeks of the date of the move,

entitlement begins on the day after the day on which the individual's entitlement to Attendance Allowance ceased.

(4) Subject to paragraph (5), where the required data or application is submitted after the period described in paragraph (3)(a) or (b), entitlement to Pension Age Disability Payment begins in accordance with regulation 27(4) to (6) (when an application is to be treated as made and beginning of entitlement to assistance).

(5) Where the Scottish Ministers are satisfied that there is a good reason why the required data or application was submitted after the period described in paragraph (3)(a) or (b), they may treat the required data as having been submitted, or the application as having been made, within that period.

(6) In this regulation, "the date of the move" is the date when the individual becomes resident in Scotland, as notified by the individual or otherwise communicated to the Scottish Ministers (whether the notification takes place before or after the date of the move).".

(9) After regulation 44, insert—

"Individuals in respect of whom Attendance Allowance was paid before 23 February 2026

44A.—(1) This regulation applies where an individual—

(a) immediately before 23 February 2026—

(i) was entitled to Attendance Allowance, and

(ii) either—

(aa) fell within the definition of a "relevant individual" in terms of regulation 49 and paragraph 7 of the schedule as they applied before 23 February 2026, or

(bb) would have fallen within the definition referred to in sub-head (aa) had the entitlement to Attendance Allowance referenced in head (i) been established prior to 23 February 2026,

(b) has not had their entitlement transferred or otherwise become entitled to Pension Age Disability Payment, and

(c) is not a person to whom regulation 44(1) applies.

(2) Where, on the basis of an application, a determination is made that an individual to whom paragraph (1) applies is entitled to Pension Age Disability Payment, entitlement to assistance is to begin in accordance with paragraph (3) to (5).

(3) Where, for the purpose of an application for Pension Age Disability Payment—

(a) the full name and date of birth of an individual ("the required data") is submitted by, or on behalf of, the individual to the Scottish Ministers within 26 weeks of the date on which the Scottish Ministers become aware that the individual's previous entitlement to Attendance Allowance was not transferred to an entitlement to Pension Age Disability Payment, and

(b) an application is made within 34 weeks of the date on which the Scottish Ministers become aware that the individual's previous entitlement to Attendance Allowance was not transferred to an entitlement to Pension Age Disability Payment,

entitlement begins on the day on which the individual's entitlement to Attendance Allowance ceased.

(4) Subject to paragraph (5), where the required data or application is submitted after the period described in paragraph (3)(a) or (b), entitlement to Pension Age Disability Payment begins in accordance with regulation 27(4) to (6) (when an application is to be treated as made and beginning of entitlement to assistance).

(5) Where the Scottish Ministers are satisfied that there is a good reason why the required data or application was submitted after the period described in paragraph (3)(a) or (b), they may treat the required data as having been submitted, or the application as having been made, within that period.

(6) In this regulation and regulation 44B, references to transfer to Pension Age Disability Payment are to transfer by virtue of regulation 49 and Part 3 of the schedule of these Regulations, as they applied before 23 February 2026.

Individuals with entitlement to Pension Age Disability Payment in respect of whom Attendance Allowance was paid before 23 February 2026

44B.—(1) This regulation applies where an individual—

(a) immediately before 23 February 2026—

(i) was entitled to Attendance Allowance, and

(ii) either—

(aa) fell within the definition of a "relevant individual" in terms of regulation 49 and paragraph 7 of the schedule as they applied before 23 February 2026, or

(bb) would have fallen within the definition referred to in sub-head (aa) had the entitlement to Attendance Allowance referenced in head (i) been established prior to 23 February 2026,

(b) has not had their entitlement transferred to Pension Age Disability Payment,

(c) has continuing entitlement to Pension Age Disability Payment, and

(d) is not a person to whom regulation 44(1) applies.

(2) The Scottish Ministers must make a determination of an individual's entitlement to Pension Age Disability Payment, without receiving an application, where they become aware that the individual is an individual to whom paragraph (1) applies.

(3) Where a determination is made under paragraph (2) that the individual is entitled to Pension Age Disability Payment, entitlement to assistance is to begin on the day on which the individual's entitlement to Attendance Allowance ceased.".

Amendment of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025

12.—(1) The Scottish Adult Disability Living Allowance Regulations are amended in accordance with paragraphs (2) to (8).

(2) For regulation 4(b) (relevant status), substitute—

"(b) in respect of whom the Scottish Ministers are to make a determination under regulation 47(2) (individuals in respect of whom Disability Living Allowance is paid in another part of the United Kingdom immediately before moving to Scotland) or regulation 47A(2) (individuals in respect of whom Disability Living Allowance is paid before 23 February 2026),".

(3) In regulation 33 (circumstances in which assistance may be suspended), for paragraph (2), substitute—

"(2) Where such a decision is made in respect of an individual, payments of Scottish Adult Disability Living Allowance to that individual are to be suspended until such time as the Scottish Ministers decide to end the suspension in accordance with regulation 37.".

(4) In regulation 41(1)(c) (when a decrease in level or cessation of entitlement takes effect)—

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

(b) after head (i), insert—

"(ia) where the Scottish Ministers have—

(aa) made a decision to suspend the individual's Scottish Adult Disability Living Allowance in terms of regulation 33(1) and (3)(a), and

(bb) subsequently made the determination on the basis that the eligibility rules for Scottish Adult Disability Living Allowance are not satisfied, as provided for by section 54(2) of the 2018 Act,

the individual's Scottish Adult Disability Living Allowance was suspended, or".

(5) For regulation 47 (individuals in respect of whom Disability Living Allowance is paid in another part of the United Kingdom immediately before moving to Scotland), substitute—

"**Individuals in respect of whom Disability Living Allowance is paid in another part of the United Kingdom immediately before moving to Scotland**

47.—(1) This regulation applies where—

(a) an individual becomes resident in Scotland,

(b) that individual was resident in another part of the United Kingdom,

(c) that individual was entitled to Disability Living Allowance ("the previous award") immediately before the date of the move,

(d) that individual makes a request for a determination of their entitlement to Scottish Adult Disability Living Allowance, and

(e) for the purpose of a request under sub-paragraph (d)—

(i) the full name and date of birth of the individual ("the required data") is submitted by, or on behalf of, the individual to the Scottish Ministers within 26 weeks of the date of the move, and

(ii) the request is made to Scottish Ministers within 34 weeks of the date of the move.

(2) Where paragraph (1) applies to an individual, the Scottish Ministers must make a determination of that individual's entitlement to Scottish Adult Disability Living Allowance without receiving an application.

(3) A request under paragraph (1)(d) must be—

(a) made to the Scottish Ministers in such form, and

(b) accompanied by such evidence,

as the Scottish Ministers require.

(4) In making a determination required by paragraph (2), the Scottish Ministers are to use—

(a) the information provided in the request under paragraph (1)(d), and

(b) any other information available to them that is relevant to their consideration of the individual's entitlement to Scottish Adult Disability Living Allowance.

(5) Where, on the basis of a request under paragraph (1)(d), a determination is made that an individual to whom paragraph (1) applies is entitled to Scottish Adult Disability Living

Allowance, entitlement to assistance begins on the day on which the individual's entitlement to Disability Living Allowance ceased.

(6) Where the Scottish Ministers are satisfied that there is a good reason why the required data or request under paragraph (1)(d) was submitted after the period described in paragraph (1)(e)(i) or (e)(ii), they may treat the required data as having been submitted, or the application as having been made, within that period.

(7) Where the required data or request under paragraph (1)(d) was submitted after the period described in paragraph (1)(e)(i) or (e)(ii), the request is to be treated as a request under paragraph 13(1)(a) of schedule 1 (request for Scottish Adult Disability Living Allowance when an award of Disability Living Allowance has ended).

(8) Where a determination is to be made under paragraph (2) in relation to someone who was under the relevant age on the date of the move, the individual is to be treated as under the relevant age for the purposes of regulation 6.

(9) The restrictions in paragraph (10) apply to a determination under paragraph (2) where the individual has reached the relevant age on the date of the move.

(10) The restrictions referred to in paragraph (9) are, where the previous award—

(a) contains a mobility component award for the lower rate then, regardless of whether the award would otherwise have been for the higher rate, the Scottish Ministers—

(i) may only make an award for the lower rate of that component, and

(ii) may only make such an award where entitlement results from substantially the same condition or conditions in respect of which the mobility component in the previous award was given,

(b) contains a mobility component award for the higher rate, the Scottish Ministers may only award the higher rate of that component where entitlement results from substantially the same condition or conditions in respect of which the mobility component in the previous award was given,

(c) does not contain an award of the mobility component, the Scottish Ministers may not award that component at either the lower or higher rate.

(11) In this regulation, "the date of the move" is the date when the individual becomes resident in Scotland, as notified by the individual or otherwise communicated to the Scottish Ministers (whether the notification takes place before or after the date of the move).".

(6) After regulation 47, insert—

"Individuals in respect of whom Disability Living Allowance was paid before 23 February 2026

47A.—(1) This regulation applies where—

(a) an individual, immediately before 23 February 2026—

(i) was entitled to Disability Living Allowance ("the previous award"), and

(ii) either—

(aa) fell within the definition of a "relevant individual" in terms of regulation 53 and paragraph 5 of schedule 1 as they applied before 23 February 2026, or

(bb) would have fallen within the definition referred to in sub-head (aa) had the entitlement to Disability Living Allowance under the previous award been established prior to 23 February 2026,

(b) that individual has not had their entitlement transferred or otherwise become entitled to Scottish Adult Disability Living Allowance,

(c) that individual makes a request for a determination of their entitlement to Scottish Adult Disability Living Allowance,

(d) for the purpose of a request under sub-paragraph (c)—

(i) the full name and date of birth of the individual ("the required data") is submitted by, or on behalf of, the individual to the Scottish Ministers within 26 weeks of the date on which the Scottish Ministers become aware that the individual's previous entitlement to Disability Living Allowance was not transferred to an entitlement to Scottish Adult Disability Living Allowance, and

(ii) the request is made to Scottish Ministers within 34 weeks of the date on which the Scottish Ministers become aware that the individual's previous entitlement to Disability Living Allowance was not transferred to an entitlement to Scottish Adult Disability Living Allowance, and

(e) that individual is not a person to whom regulation 47(1) applies.

(2) Where paragraph (1) applies to an individual, the Scottish Ministers must make a determination of that individual's entitlement to Scottish Adult Disability Living Allowance without receiving an application.

(3) A request under paragraph (1)(c) must be—

(a) made to the Scottish Ministers in such form, and

(b) accompanied by such evidence,

as the Scottish Ministers require.

(4) In making a determination required by paragraph (2), the Scottish Ministers are to use—

(a) the information provided in the request under paragraph (1)(c), and

(b) any other information available to them that is relevant to their consideration of the individual's entitlement to Scottish Adult Disability Living Allowance.

(5) Where, on the basis of a request under paragraph (1)(c), a determination is made that an individual to whom paragraph (1) applies is entitled to Scottish Adult Disability Living Allowance, entitlement to assistance begins on the day on which the individual's entitlement to Disability Living Allowance ceased.

(6) Where the Scottish Ministers are satisfied that there is a good reason why the required data or request under paragraph (1)(c) was submitted after the period described in paragraph (1)(d)(i) or (d)(ii), they may treat the required data as having been submitted, or the application as having been made, within that period.

(7) Where the required data or request under paragraph (1)(c) was submitted after the period described in paragraph (1)(d)(i) or (d)(ii), the request is to be treated as a request under paragraph 13 of schedule 1 (request for Scottish Adult Disability Living Allowance when an award of Disability Living Allowance has ended).

(8) Where a determination is to be made under paragraph (2) in relation to someone who was under the relevant age on 23 February 2026, the individual is to be treated as under the relevant age for the purposes of regulation 6.

(9) The restrictions in paragraph (10) apply to a determination under paragraph (2) where the individual has reached the relevant age on 23 February 2026.

(10) The restrictions referred to in paragraph (9) are where the previous award—

(a) contains a mobility component award for the lower rate then, regardless of whether the award would otherwise have been for the higher rate, the Scottish Ministers—

(i) may only make an award for the lower rate of that component, and

(ii) may only make such an award where entitlement results from substantially the same condition or conditions in respect of which the mobility component in the previous award was given,

(b) contains a mobility component award for the higher rate, the Scottish Ministers may only award the higher rate of that component where entitlement results from

substantially the same condition or conditions in respect of which the mobility component in the previous award was given,

(c) does not contain an award of the mobility component, the Scottish Ministers may not award that component at either the lower or higher rate.

(11) In this regulation and regulation 47B, references to transfer to Scottish Adult Disability Living Allowance are to transfer by virtue of regulation 53 and Part 2 of the schedule of these Regulations, as they applied before 23 February 2026.

Individuals with entitlement to Scottish Adult Disability Living Allowance in respect of whom Disability Living Allowance was paid before 23 February 2026

47B.—(1) This regulation applies where an individual—

(a) immediately before 23 February 2026—

(i) was entitled to Disability Living Allowance ("the previous award"), and

(ii) either—

(aa) fell within the definition of a "relevant individual" in terms of regulation 53 and paragraph 5 of schedule 1 as they applied before 23 February 2026, or

(bb) would have fallen within the definition referred to in sub-head (aa) had the entitlement to Disability Living Allowance under the previous award been established prior to 23 February 2026,

(b) has not had their entitlement transferred to Scottish Adult Disability Living Allowance,

(c) has continuing entitlement to Scottish Adult Disability Living Allowance, and

(d) is not a person to whom regulation 47(1) applies.

(2) The Scottish Ministers must make a determination of an individual's entitlement to Scottish Adult Disability Living Allowance, without receiving an application, where they become aware that paragraph (1) applies to that individual.

(3) Where a determination is made under paragraph (2) that an individual is entitled to Scottish Adult Disability Living Allowance, entitlement to assistance is to begin on the day on which the individual's entitlement to Disability Living Allowance ceased.

(4) Where a determination is to be made under paragraph (2) in relation to someone who was under the relevant age on 23 February 2026, the individual is to be treated as under the relevant age for the purposes of regulation 6.

(5) The restrictions in paragraph (6) apply to a determination under paragraph (2) where the individual has reached the relevant age on 23 February 2026.

(6) The restrictions referred to in paragraph (5) are where the previous award referred to in paragraph (1)(a)(i)—

(a) contains a mobility component award for the lower rate then, regardless of whether the award would otherwise have been for the higher rate, the Scottish Ministers—

(i) may only make an award for the lower rate of that component, and

(ii) may only make such an award where entitlement results from substantially the same condition or conditions in respect of which the mobility component in the previous award was given,

(b) contains a mobility component award for the higher rate, the Scottish Ministers may only award the higher rate of that component where entitlement results from substantially the same condition or conditions in respect of which the mobility component in the previous award was given,

(c) does not contain an award of the mobility component, the Scottish Ministers may not award that component at either the lower or higher rate.".

(7) After paragraph 1(1)(a)(ii)(dd) (entitlement to short-term assistance) of schedule 1, insert—

"(ee) determination without application of an individual's entitlement to Scottish Adult Disability Living Allowance under regulation 47A (individuals in respect of whom Disability Living Allowance is paid before 23 February 2026),".

(8) In paragraph 13 (request for Scottish Adult Disability Allowance when an award of Disability Living Allowance has ended) of schedule 1—

(a) in sub-paragraph (3)—

(i) after head (a), insert "and",

(ii) omit head (b).

(b) after sub-paragraph (10), insert—

"(11) This paragraph does not apply where regulation 47 (individuals in respect of whom Disability Living Allowance is paid in another part of the United Kingdom immediately before moving to Scotland) or 47A (individuals in respect of whom Disability Living Allowance is paid before 23 February 2026) applies.".

PART 3

Revocations, savings and transitional provisions

Savings provision – the Scottish Child Payment Regulations 2020

13. Despite the amendment by regulation 7(3) of these Regulations to the Scottish Child Payment Regulations, where, prior to 6 November 2025, the Scottish Ministers have made a decision to suspend the individual's Scottish child payment in accordance with regulations 19A to 19G (suspension of entitlement) of those Regulations, paragraph 25 of the schedule applies as it did prior to 6 November 2025.

Revocation, savings and transitional provisions – the Disability Assistance for Children and Young People (Scotland) Regulations 2021

14.—(1) Except where paragraphs (2) to (6) apply, the following provisions of the Child Disability Payment Regulations are revoked—

(a) regulation 31(c) and (d) (determination following change of circumstances etc.),

(b) regulation 40 (initial period for applications),

(c) regulation 41 (transfer to Child Disability Payment),

(d) regulation 44 (transitory provision – initial period for applications),

(e) regulation 45 (exclusion to transitory provision),

(f) paragraph 1(1)(a)(ii)(bb) and (cc) of the schedule (entitlement to short-term assistance),

(g) Part 2 of the schedule (initial period for applications), and

(h) Part 3 of the schedule (transfer to Child Disability Payment).

(2) Despite the revocations in paragraph (1) the provisions of the Child Disability Payment Regulations mentioned in paragraph (3) continue to have effect on and after 6 November 2025 for any individual on whom, prior to 6 November 2025, the Scottish Ministers have served a notice of intention to transfer to Child Disability Payment under paragraph 8 of the schedule of those Regulations.

(3) The provisions referred to in paragraph (2) are—

(a) regulation 31(c),

(b) regulation 41,

(c) paragraph 1(1)(a)(ii)(bb) of the schedule, and

(d) Part 3 of the schedule.

(4) Despite the amendment made by regulation 8(8) of these Regulations to the Child Disability Payment Regulations, where, prior to 6 November 2025 the Scottish Ministers have made a decision to suspend the individual's Child Disability Payment in accordance with regulation 26A(1) and (3)(a) of those Regulations, regulation 29(1)(b) of those Regulations applies as it did prior to 6 November 2025.

(5) Despite the revocations in paragraph (1), and substitution by regulation 8(9) of these Regulations, where, prior to 6 November 2025—

(a) an individual under the age of 18 becomes resident in Scotland, and

(b) the Scottish Ministers become aware that the individual has become resident in Scotland,

the provisions of the Child Disability Payment Regulations mentioned in paragraph (6) apply as they did prior to 6 November 2025.

(6) The provisions referred to in paragraph (5) are—

(a) regulation 31(d),

(b) regulation 35 (individuals in respect of whom Disability Living Allowance is paid in another part of the United Kingdom immediately before moving to Scotland), and

(c) paragraph 1(1)(a)(ii)(cc) of the schedule.

(7) This paragraph applies where an individual—

(a) is an individual to whom regulation 35(1) of the Child Disability Payment Regulations, as substituted by regulation 8(9) of these Regulations, would apply,

(b) the date of the move is—

(i) on or after 7 July 2023, and

(ii) before 6 November 2025, and

(c) the Scottish Ministers become aware on or after 6 November 2025 that the individual has become resident in Scotland.

(8) Where on the basis of an application, a determination is to be made in relation to an individual to whom paragraph (7) applies, the following provisions of the Child Disability Payment Regulations do not apply to that individual—

(a) regulation 4(2) (age criteria), and

(b) regulation 24(3) (when an application is to be treated as made and beginning of entitlement to assistance).

(9) Where on the basis of an application, a determination is made that an individual to whom paragraph (7) applies is entitled to Child Disability Payment, entitlement begins—

(a) where for the purpose of an application for Child Disability Payment—

(i) the full name and date of birth of an individual ("the required data") is submitted by, or on behalf of, the individual to the Scottish Ministers within 26 weeks of the date the Scottish Ministers become aware that the individual is an individual to whom paragraph (7) applies, and

(ii) an application is made within 32 weeks of the date referred to in head (i),

on the day on which the individual's entitlement to Disability Living Allowance ceased, or

(b) subject to paragraph (10), where the required data or application is submitted after the period described in sub-paragraph (a)(i) or (ii), in accordance with regulation 24(4) to (6) of the Child Disability Payment Regulations.

(10) Where the Scottish Ministers are satisfied that there is a good reason why the required data or application was submitted after the period described in paragraph (9)(a)(i) or (a)(ii), they may treat the required data as having been submitted, or the application as having been made, within that period.

(11) In this regulation, "the date of the move" has the same meaning as in regulation 35(6) of the Child Disability Payment Regulations, as substituted by regulation 8(9) of these Regulations.

Revocation and savings provisions - the Disability Assistance for Working Age People (Scotland) Regulations 2022

15.—(1) Except where paragraphs (2) to (6) apply, the following provisions of the Adult Disability Payment Regulations are revoked—

(a) regulation 48(c) and (d) (determination following change of circumstances etc.),

(b) regulation 57 (initial period for applications),

(c) regulation 60 (transfer from Personal Independence Payment to Adult Disability Payment),

(d) regulation 64 (transitory provision – initial period for applications).

(e) regulation 65 (exclusion to transitory provision),

(f) paragraph 1(1)(a)(ii)(bb) and (cc) of schedule 2 (entitlement to short-term assistance),

(g) Part 2 of schedule 2 (initial period for applications), and

(h) Part 3 of schedule 2 (transfer from Personal Independence Payment to Adult Disability Payment).

(2) Despite the revocations in paragraph (1) the provisions of the Adult Disability Payment Regulations mentioned in paragraph (3) continue to have effect on and after 6 November 2025 for any individual on whom, prior to 6 November 2025, the Scottish Ministers have served a notice of intention to transfer to Adult Disability Payment under paragraph 8 of schedule 2 of those Regulations.

(3) The provisions referred to in paragraph (2) are—

(a) regulation 48(c),

(b) regulation 60,

(c) paragraph 1(1)(a)(ii)(bb) of schedule 2, and

(d) Part 3 of schedule 2.

(4) Despite the amendment made by regulation 9(8) of these Regulations to the Adult Disability Payment Regulations, where, prior to 6 November 2025 the Scottish Ministers have made a decision to suspend the individual's Adult Disability Payment in accordance with regulation 38(1) and (3)(a) of those Regulations, regulation 46(1)(b) of those Regulations applies as it did prior to 6 November 2025.

(5) Despite the revocations in paragraph (1), and substitution by regulation 9(9) of these Regulations, where, prior to 6 November 2025—

(a) an individual becomes resident in Scotland, and

(b) the Scottish Ministers become aware that the individual has become resident in Scotland,

the provisions of the Adult Disability Payment Regulations mentioned in paragraph (6) apply as they did prior to 6 November 2025.

(6) The provisions referred to in paragraph (5) are—

(a) regulation 48(d),

(b) regulation 52 (individuals in respect of whom Personal Independence Payment is paid in another part of the United Kingdom immediately before moving to Scotland), and

(c) paragraph 1(1)(a)(ii)(cc) of schedule 2.

Revocation and savings provisions – the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023

16.—(1) Except where paragraphs (2) to (7) apply, the following provisions of the Carer Support Payment Regulations are revoked—

(a) regulation 36(f) and (g) (determination following change of circumstances etc.),

(b) regulation 44 (transfer from Carer's Allowance to Carer Support Payment),

(c) regulation 45 (initial period for applications),

(d) regulation 46 (transitory provision – initial period for applications),

(e) regulation 47 (exclusion to transitory provision),

(f) Part 1 of schedule 1 (initial period for applications), and

(g) Part 2 of schedule 1 (transfer to Carer Support Payment).

(2) Regulation 36(f), 44 and part 2 of schedule 1 of the Carer Support Payment Regulations continue to have effect on and after 6 November 2025 for any individual on whom, prior to 6 November 2025, the Scottish Ministers have served a notice of intention to transfer to Carer Support Payment under paragraph 4 of the schedule of those Regulations.

(3) Despite the revocations at paragraph (1), and substitution by regulation 10(8) of these Regulations, where, prior to 6 November 2025—

(a) an individual becomes resident in Scotland, and

(b) the Scottish Ministers become aware that the individual has become resident in Scotland,

the provisions of the Carer Support Payment Regulations mentioned in paragraph (4) apply as they did prior to 6 November 2025.

(4) The provisions referred to in paragraph (3) are—

(a) regulation 36(g), and

(b) regulation 41 (individuals in respect of whom Carer's Allowance is paid in another part of the United Kingdom immediately before moving to Scotland).

Revocation and savings provisions – the Disability Assistance for Older People (Scotland) Regulations 2024

17.—(1) Except where paragraphs (2) to (6) apply, the following provisions of the Pension Age Disability Payment Regulations are revoked—

(a) regulation 40(c) and (d) (determination following change of circumstances etc.),

(b) regulation 48 (initial period for applications),

(c) regulation 49 (transfer from Attendance Allowance to Pension Age Disability Payment),

(d) regulation 50 (transitory provision – initial period for applications),

(e) regulation 51 (exclusion to transitory provision),

(f) paragraph 1(1)(a)(ii)(bb) and (cc) of the schedule (entitlement to short-term assistance),

(g) Part 2 of the schedule (initial period for applications), and

(h) Part 3 of the schedule (transfer from Attendance Allowance to Pension Age Disability Payment).

(2) Despite the revocations in paragraph (1) the provisions of the Pension Age Disability Payment Regulations mentioned in paragraph (3) continue to have effect on and after 23 February 2026 for any individual on whom, prior to 23 February 2026, the Scottish Ministers have served a notice of intention to transfer to Pension Age Disability Payment under paragraph 8 of the schedule of those Regulations.

(3) The provisions referred to in paragraph (2) are—

(a) regulation 40(c),

(b) regulation 49,

(c) paragraph 1(1)(a)(ii)(bb) of the schedule , and

(d) Part 3 of the schedule.

(4) Despite the amendment made by regulation 11(7) of these Regulations to the Pension Age Disability Payment Regulations, where, prior to 6 November 2025 the Scottish Ministers have

made a decision to suspend the individual's Pension Age Disability Payment in accordance with regulation 30(1) and (3)(a) of those Regulations, regulation 38(1)(b) of those Regulations applies as it did prior to 6 November 2025.

(5) Despite the revocations at paragraph (1), and substitution by regulation 11(8) of these Regulations, where, prior to 23 February 2026—

(a) an individual becomes resident in Scotland, and

(b) the Scottish Ministers become aware that the individual has become resident in Scotland,

the provisions of the Pension Age Disability Payment Regulations mentioned in paragraph (6) apply as they did prior to 23 February 2026.

(6) The provisions referred to in paragraph (5) are—

(a) regulation 40(d),

(b) regulation 44 (individuals in respect of whom Attendance Allowance is paid in another part of the United Kingdom immediately before moving to Scotland), and

(c) paragraph 1(1)(a)(ii)(cc) of the schedule.

Revocation and savings provisions – the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025

18.—(1) Except where paragraphs (2) or (4) apply, the following provisions of the Scottish Adult Disability Living Allowance Regulations are revoked—

(a) regulation 43(c) and (d) (determination following change of circumstances etc.),

(b) regulation 53 (transfer from Disability Living Allowance to Scottish Adult Disability Living Allowance),

(c) paragraph 1(1)(a)(ii)(aa) of schedule 1 (entitlement to short-term assistance), and

(d) Part 2 of schedule 1 (transfer from Disability Living Allowance to Scottish Adult Disability Living Allowance).

(2) Despite the revocations in paragraph (1) the provisions of the Scottish Adult Disability Living Allowance Regulations mentioned in paragraph (3) continue to have effect on and after 23 February 2026 for any individual on whom, prior to 23 February 2026, the Scottish Ministers have served a notice of intention to transfer to Scottish Adult Disability Living Allowance under paragraph 6 of schedule 1 of those Regulations.

(3) The provisions referred to in paragraph (2) are—

(a) regulation 43(c),

(b) regulation 53,

(c) paragraph 1(1)(a)(ii)(aa) of schedule 1, and

(d) Part 2 of schedule 1.

(4) Despite the amendment by regulation 12(4) of these Regulations to the Scottish Adult Disability Living Allowance Regulations, where, prior to 6 November 2025 the Scottish Ministers have made a decision to suspend the individual's Scottish Adult Disability Living Allowance in accordance with regulation 33(1) and (3)(a) of those Regulations, regulation 46(1)(c) of those Regulations applies as it did prior to 6 November 2025.

(5) Despite the revocations at paragraph (1), and substitutions by regulations 12(2) and (5) of these Regulations, where, prior to 23 February 2026—

(a) an individual becomes resident in Scotland, and

(b) the Scottish Ministers become aware that the individual has become resident in Scotland,

the provisions of the Scottish Adult Disability Living Allowance Regulations mentioned in paragraph (6) apply as they did prior to 23 February 2026.

(6) The provisions referred to in paragraph (5) are—

(a) regulation 4 (relevant status),

(b) regulation 43(d), and

(c) regulation 47 (individuals in respect of whom Disability Living Allowance is paid in another part of the United Kingdom before moving to Scotland).

Name
A member of the Scottish Government

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for various amendments to forms of assistance payable by virtue of regulations made under the Social Security (Scotland) Act 2018 ("the 2018 Act"), to the 2018 Act itself, and to the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019 ("the Best Start Foods Regulations").

The amendments revoke the existing provisions which provide for the transfer of the disability and carer benefits of individuals who meet the eligibility criteria for disability assistance or Carer Support Payment (the "case transfer provisions") from the benefit delivered by UK Government (the "devolved UK benefit"), to the respective benefit delivered by the Scottish Ministers (the "Scottish benefit") without needing to make an application. Provisions which provide for individuals, who are in receipt of a devolved UK benefit and who move to Scotland from another part of the United Kingdom, to receive a determination of the respective Scottish benefit without needing to apply are also revoked. These Regulations create new provisions so that where such an individual makes an application for the Scottish benefit, their entitlement will, in certain circumstances, be backdated to the date their devolved UK benefit ended. These amendments are made for Child Disability Payment, Adult Disability Payment, Pension Age Disability Payment and Carer Support Payment. Specific provision is also made for Scottish Adult Disability Living Allowance, which, as a closed benefit, has no process for applications.

Miscellaneous Amendments

Regulation 3 amends section 81 of the 2018 Act so that individuals to whom the Social Security (Gibraltar) Order 2024 applies may be eligible for Carers Allowance Supplement.

Regulation 4 makes amendments to the residence requirements for Best Start Grant, within the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018 ("the Best Start Grant Regulations") following the revocation of the Immigration (European Economic Area) Regulations 2016. The Best Start Grant Regulations and the Best Start Foods Regulations are amended so that individuals who have made an application for indefinite or limited leave to enter, or remain in, the United Kingdom under the EU Settlement Scheme, and family members under Article 9 of the EU Withdrawal Agreement, may be eligible for Best Start Grant (regulation 4) or Best Start Foods (regulation 5).

Regulation 6 amends the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019 so that individuals to whom the Social Security (Gibraltar) Order 2024 applies may be eligible for Young Carer Grant.

Regulation 7 amends the Scottish Child Payment Regulations 2020 so that where a person has continually disengaged with requests for information made under paragraph 25 of the schedule of those Regulations and is found to be no longer entitled to assistance following a period of suspension, the award can be ended from the date the suspension began. Regulation 13 makes associated savings provisions.

Amendments in relation to disability assistance

Regulations 8, 9, 11 and 12 amend the Disability Assistance for Children and Young People (Scotland) Regulations 2021 (the "Child Disability Payment Regulations"), the Disability Assistance for Working Age (Scotland) Regulations 2022 (the "Adult Disability Payment Regulations"), the Disability Assistance for Older People (Scotland) Regulations 2024 ("the Pension Age Disability Payment Regulations") and the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025 ("the Scottish Adult Disability Living Allowance Regulations") respectively, in relation to Child Disability Payment, Adult Disability Payment, Pension Age Disability Payment and Scottish Adult Disability Living Allowance so that:-

- individuals to whom the Social Security (Gibraltar) Order 2024 applies may be eligible for disability assistance.

- where a person has continually disengaged with requests for information made under section 54 of the 2018 Act, and is found to be no longer entitled to the benefit following a period of suspension, the award can be ended at the date the suspension began.
- where a person receiving a devolved UK benefit moves to Scotland from another part of the United Kingdom and applies for the respective Scottish benefit (except Scottish Adult Disability Allowance) within a specified time, their entitlement can be backdated to when their devolved UK benefit entitlement ends. For Scottish Adult Disability Living Allowance, where a person receiving Disability Living Allowance moves to Scotland from another part of the United Kingdom, they can make a request for a determination of their entitlement. Provision is made for when Scottish Adult Disability Living Allowance entitlement can be backdated to the date the Disability Living Allowance entitlement ended.
- individuals who would have been eligible to be transferred to the applicable Scottish benefit under the relevant case transfer provisions, but have not been transferred, will be able to receive backdating of the respective benefits when an application or request is made within specified timescales, so that there is no gap in their entitlement between the end of their devolved UK benefit and the start of their Scottish benefit.

Regulations 14, 15, 17 and 18 make provision:-

- for associated revocations and savings in relation to Child Disability Payment, Adult Disability Payment, Pension Age Disability Payment and Scottish Adult Disability Living Allowance. This includes revocation of the existing provisions for individuals moving to Scotland from another part of the United Kingdom, subject to specified saving provisions. Transitional provision is also made in relation to Child Disability Payment.
- to revoke the respective case transfer provisions for Child Disability Payment, Adult Disability Payment, Pension Age Disability Payment and Scottish Adult Disability Living Allowance. This is subject to specified saving provisions.

Amendments in relation to Carer Support Payment

Regulation 10 amends the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 (the "Carer Support Payment Regulations") so that:-

- individuals to whom the Social Security (Gibraltar) Order 2024 applies may be eligible for Carer Support Payment.
- if someone applies for Carer Support Payment but did not satisfy the eligibility criteria in Part 3 of the Regulations on the date on which their entitlement would otherwise have begun, the Scottish Ministers may choose an alternative start date provided that date is no more than 13 weeks after the application date. Further amendments are made to regulation 18 as a consequence of this change, the changes to regulation 41 and the addition of 41A.
- where a person receiving Carer's Allowance moves to Scotland from another part of the United Kingdom, and applies for Carer Support Payment within a specified time, their entitlement can be backdated to when their Carer's Allowance entitlement ends.
- individuals who would have been eligible to be transferred to Carer Support Payment under the case transfer provisions, but have not been transferred, will be able to receive backdating so that there is no gap in their entitlement between the end of their Carer's Allowance and the start of their Carer Support Payment, when an application or request is made within specified timescales.
- if the cared for person moves to Scotland, or should have been transferred but was not, and therefore experiences a gap between their devolved UK disability benefit ending and their Scottish disability benefit being awarded (which means the carer is no longer entitled to Carer Support Payment) the carer will be able to receive a determination without an application of their entitlement to Carer Support Payment if they satisfy the eligibility criteria under Part 3 of the Regulations within 26 weeks of the decision to end their Carer Support Payment.

Regulation 16 makes provision for associated revocations and savings provisions in relation to Carer Support Payment. This includes revocation of the previous provisions for individuals moving to Scotland from another part of the United Kingdom, subject to specified savings provisions.

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