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 (Residence and Presence Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2025

Made - - - -	*2025*
Coming into force - -	*2025*

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(3) of the Social Security Contributions and Benefits Act 1992(**b**) and sections 28(2), 31(2) and 32(2) of the Social Security (Scotland) Act 2018(**c**) ("the 2018 Act") 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 2018 Act(**e**), 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 2018 Act(**f**), 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"). Sections 13 and 15A of the 1988 Act read together with section 175 of the Social Security Contributions and Benefits Act 1992 (c. 4) provide for different provision to be made for different cases or classes of cases. The functions of the Secretary of State, in so far as within devolved competence, were transferred to the Scottish Minsters by virtue of section 53 of the Scotland Act 1998 (c. 46) as read with sections 27 and 32 of the 2016 Act.

(**b**) 1992 c. 4.

(**c**) 2018 asp 9. 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) and the 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.

(**e**) Section 96(2) was amended by section 26(2)(a) of the Social Security (Amendment) (Scotland) Act 2025 (asp 2).

(**f**) Section 97(2) was relevantly amended by section 20(2)(a) and section 20(2)(c) of the Social Security (Amendment) (Scotland) Act 2025 (asp 2).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Social Security (Residence and Presence Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2025.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to Scotland only.

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

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

(2) In paragraph 4 of schedule 2 (residence requirement – pregnancy and baby grant), after sub paragraph (2)(ae), insert—

"(af)a person who—

(i) was residing in Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights immediately before 13 June 2025,

(ii) left Israel, the Occupied Palestinian Territories or the occupied Golan Heights in connection with the escalation of violence between Israel and Iran that began on that date,

(iii) arrived in the United Kingdom on or before 13 December 2025, and

(iv) satisfies one of the following criteria—

(aa) has been granted leave to enter or remain in the United Kingdom under or outside the immigration rules made under section 3(2) of the Immigration Act 1971,

(bb) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or

(cc) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,".

(3) In paragraph 3 of schedule 3 (residence requirement – early learning grant), after sub-paragraph (2)(ae), insert—

"(af)a person who—

(i) was residing in Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights immediately before 13 June 2025,

(ii) left Israel, the Occupied Palestinian Territories or the occupied Golan Heights in connection with the escalation of violence between Israel and Iran that began on that date,

(iii) arrived in the United Kingdom on or before 13 December 2025, and

(iv) satisfies one of the following criteria—

(aa) has been granted leave to enter or remain in the United Kingdom under or outside the immigration rules made under section 3(2) of the Immigration Act 1971,

(bb) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or

(cc) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,".

(**a**) S.S.I. 2018/370, relevantly amended by S.S.I. 2019/110, S.S.I. 2019/157, S.S.I. 2020/399, S.S.I. 2021/320, S.S.I. 2022/108, S.S.I. 2022/336, S.S.I. 2023/149 and S.S.I. 2023/309.

(4) In paragraph 4 of schedule 4 (residence requirement – school-age grant), after sub-paragraph (2)(ae), insert—

"(af)a person who—

(i) was residing in Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights immediately before 13 June 2025,

(ii) left Israel, the Occupied Palestinian Territories or the occupied Golan Heights in connection with the escalation of violence between Israel and Iran that began on that date,

(iii) arrived in the United Kingdom on or before 13 December 2025, and

(iv) satisfies one of the following criteria—

(aa) has been granted leave to enter or remain in the United Kingdom under or outside the immigration rules made under section 3(2) of the Immigration Act 1971,

(bb) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or

(cc) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,".

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

3.—(1) Regulation 9 of the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019(**a**) (residence requirement) is amended in accordance with paragraph (2).

(2) After paragraph (2)(ae), insert—

"(af)a person who—

(i) was residing in Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights immediately before 13 June 2025,

(ii) left Israel, the Occupied Palestinian Territories or the occupied Golan Heights in connection with the escalation of violence between Israel and Iran that began on that date,

(iii) arrived in the United Kingdom on or before 13 December 2025, and

(iv) satisfies one of the following criteria—

(aa) has been granted leave to enter or remain in the United Kingdom under or outside the immigration rules made under section 3(2) of the Immigration Act 1971,

(bb) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or

(cc) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,".

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

4.—(1) Regulation 8 of the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019(**b**) (conditions relating to residence) is amended in accordance with paragraph (2).

(2) After paragraph (2)(ad) insert—

(**a**) S.S.I. 2019/193, relevantly amended by S.S.I. 2020/399, S.S.I. 2020/475, S.S.I. 2021/320, S.S.I. 2022/108, S.S.I. 2022/336, S.S.I. 2023/149, S.S.I. 2023/309 and S.S.I. 2023/371.

(**b**) S.S.I. 2019/324, relevantly amended by S.S.I. 2021/320, S.S.I. 2022/108, S.S.I. 2022/336, S.S.I. 2023/149 and S.S.I. 2023/309.

"(ae) a person who—

(i) was residing in Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights immediately before 13 June 2025,

(ii) left Israel, the Occupied Palestinian Territories or the occupied Golan Heights in connection with the escalation of violence between Israel and Iran that began on that date,

(iii) arrived in the United Kingdom on or before 13 December 2025, and

(iv) satisfies one of the following criteria—

(aa) has been granted leave to enter or remain in the United Kingdom under or outside the immigration rules made under section 3(2) of the Immigration Act 1971,

(bb) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or

(cc) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,".

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

5.—(1) Regulation 5 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021(**a**) (residence and presence conditions) is amended in accordance with paragraph (2).

(2) In paragraph (10A)—

(a) at the end of sub-paragraph (g), omit "or", and

(b) after sub-paragraph (h), insert—

",

(i) has leave to enter or remain in the United Kingdom granted under or outside the immigration rules, has a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971 or does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act, where the individual—

(i) was residing in Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights immediately before 13 June 2025,

(ii) left Israel, the Occupied Palestinian Territories or the occupied Golan Heights in connection with the escalation of violence between Israel and Iran that began on that date, and

(iii) arrived in the United Kingdom on or before 13 December 2025, or

(j) has been granted, or is deemed to have been granted, leave outside the immigration rules.".

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

6.—(1) Regulation 15 of the Disability Assistance for Working Age People (Scotland) Regulations 2022(**b**) (residence and presence conditions) is amended in accordance with paragraph (2).

(**a**) S.S.I. 2021/174, relevantly amended by S.S.I. 2021/320, S.S.I. 2021/416, S.S.I. 2022/41, S.S.I. 2022/108, S.S.I. 2022/336, S.S.I. 2023/149 and S.S.I. 2023/309.

(**b**) S.S.I. 2022/54, relevantly amended by S.S.I. 2022/108, S.S.I. 2022/336, S.S.I. 2023/149 and S.S.I. 2023/309.

(2) In paragraph (7)—

(a) at the end of sub-paragraph (e), omit "or", and

(b) after sub-paragraph (f), insert—

"

(g) has leave to enter or remain in the United Kingdom granted under or outside the immigration rules, has a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971 or does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act, where the individual—

(i) was residing in Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights immediately before 13 June 2025,

(ii) left Israel, the Occupied Palestinian Territories or the occupied Golan Heights in connection with the escalation of violence between Israel and Iran that began on that date, and

(iii) arrived in the United Kingdom on or before 13 December 2025, or

(h) has been granted, or is deemed to have been granted, leave outside the immigration rules.".

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

7.—(1) Regulation 6 of the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023(**a**) (residence and presence conditions) is amended in accordance with paragraph (2).

(2) In paragraph (8)—

(a) at the end of sub-paragraph (g), omit "or", and

(b) after sub-paragraph (h), insert—

"

(i) has leave to enter or remain in the United Kingdom granted under or outside the immigration rules, has a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971 or does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act, where the individual—

(i) was residing in Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights immediately before 13 June 2025,

(ii) left Israel, the Occupied Palestinian Territories or the occupied Golan Heights in connection with the escalation of violence between Israel and Iran that began on that date, and

(iii) arrived in the United Kingdom on or before 13 December 2025, or

(j) has been granted, or is deemed to have been granted, leave outside the immigration rules.".

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

8.—(1) Regulation 9 of the Disability Assistance for Older People (Scotland) Regulations 2024(**b**) (residence and presence conditions) is amended in accordance with paragraph (2).

(2) In paragraph (7)—

(**a**) S.S.I. 2023/302, relevantly amended by S.S.I. 2023/309.
(**b**) S.S.I. 2024/166.

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

(b) after sub-paragraph (f), insert—

",

(g) has leave to enter or remain in the United Kingdom granted under or outside the immigration rules, has a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971 or does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act, where the individual—

(i) was residing in Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights immediately before 13 June 2025,

(ii) left Israel, the Occupied Palestinian Territories or the occupied Golan Heights in connection with the escalation of violence between Israel and Iran that began on that date, and

(iii) arrived in the United Kingdom on or before 13 December 2025, or

(h) has been granted, or is deemed to have been granted, leave outside the immigration rules.".

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

9.—(1) Regulation 10 of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**a**) (residence and presence conditions) is amended in accordance with paragraph (2).

(2) In paragraph (7)—

(a) at the end of sub-paragraph (e), omit "or", and

(b) after sub-paragraph (f), insert—

",

(g) has leave to enter or remain in the United Kingdom granted under or outside the immigration rules, has a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971 or does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act, where the individual—

(i) was residing in Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights immediately before 13 June 2025,

(ii) left Israel, the Occupied Palestinian Territories or the occupied Golan Heights in connection with the escalation of violence between Israel and Iran that began on that date, and

(iii) arrived in the United Kingdom on or before 13 December 2025, or

(h) has been granted, or is deemed to have been granted, leave outside the immigration rules.".

Name
A member of the Scottish Government

St Andrew's House
Edinburgh
Date

(**a**) S.S.I. 2025/3.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in respect of the social security assistance entitlement of certain persons arriving in Scotland from Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights following the escalation of violence between Israel and Iran that began on 13 June 2025. These Regulations also make provision for persons who have been granted, or are deemed to have been granted, leave outside the immigration rules made under section 3(2) of the Immigration Act 1971.

Regulations 2 to 4 amend the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018, the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019, the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019 respectively to insert a new category of person into the list of persons who are exempt from having to satisfy the habitual residence test. The category being inserted is a person with leave to enter or remain in the United Kingdom granted under or outside the immigration rules, has a right of abode in the UK or an Irish citizen who does not require leave to enter or remain in the UK, where that person was residing in Israel, the Occupied Palestinian Territories (the West Bank, including East Jerusalem, and Gaza) or the occupied Golan Heights immediately before 13 June 2025, left those territories in connection with the violence which escalated on 13 June 2025 and arrived in the United Kingdom on or before 13 December 2025.

Regulations 5 to 9 amend the Disability Assistance for Children and Young People (Scotland) Regulations 2021, the Disability Assistance for Working Age People (Scotland) Regulations 2022, the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023, the Disability for Older People (Scotland) Regulations 2024 and the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025 to insert the same category of person as inserted by regulations 2 to 4 into the list of persons who are exempt from having to satisfy the past presence test and habitual residence test. Additionally, they add provision for persons who have been granted, or who are deemed to have been granted, leave outside the immigration rules to this list.

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