STATUTORY INSTRUMENTS

2025 No. 229

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

REPRESENTATION OF THE PEOPLE

SOCIAL SECURITY

The Social Security (Scotland) Act 2018 (Scottish Adult Disability Living Allowance) (Consequential Amendments) (No. 2) Order 2025

Made - - - -	*27th February 2025*
Laid before Parliament	*28th February 2025*
Coming into force - -	*21st March 2025*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(4) of the Scotland Act 1998(**a**).

PART 1

Introductory

Citation, commencement and extent

1.—(1) This Order may be cited as the Social Security (Scotland) Act 2018 (Scottish Adult Disability Living Allowance) (Consequential Amendments) (No. 2) Order 2025 and comes into force on 21st March 2025.

(2) Parts 1 and 4 of this Order extend to England and Wales and Scotland.

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

(4) Part 3 of this Order extends to Scotland only.

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

PART 2

England and Wales

Amendment of the Representation of the People (England and Wales) Regulations 2001

2. In regulation 53(5) of the Representation of the People (England and Wales) Regulations 2001 (additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of severe sight-impairment or any other disability)(**a**), for sub-paragraph (b), substitute—

"(b) the application states that the applicant is in receipt of one of the following, because of the disability specified in the application—

(i) the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits Act 1992(**b**)),

(ii) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(**c**),

(iii) the enhanced rate of the mobility component of personal independence payment (payable under section 79(2) of the Welfare Reform Act 2012(**d**)),

(iv) the higher rate of the mobility component of disability assistance for children and young people (payable in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018(**e**)),

(v) the enhanced rate of the mobility component of disability assistance for working age people (payable in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018), or

(vi) the higher rate of the mobility component of a Scottish adult disability living allowance (payable in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018).".

Amendment of the Police and Crime Commissioner Elections Order 2012

3. In paragraph 15(6)(e) of Part 2 of Schedule 2 to the Police and Crime Commissioner Elections Order 2012 (absent voting in PCC elections)(**f**)—

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

(b) at the end of sub-paragraph (ii), insert ", or"; and

(c) after sub-paragraph (ii), insert—

"(iii) the higher rate of the mobility component of a Scottish adult disability living allowance.".

(**a**) S.I. 2001/341; relevant amending instruments are S.I. 2006/2910, 2013/388, 2013/591, 2016/211, 2021/1188, 2022/332.

(**b**) 1992 c. 4; section 73 is amended by section 67(3) of the Welfare Reform and Pensions Act 1999 (c. 30), Schedule 1 paragraph 145 to the National Health Service (Consequential Provisions) Act 2006 (c. 43), section 53 of, and Schedule 7 paragraph 2 to, the Welfare Reform Act 2007 (c. 5) and section 14 of the Welfare Reform Act 2009 (c. 24). It is prospectively repealed by section 90 of the Welfare Reform Act 2012 (c. 5) from a date and time to be appointed.

(**c**) S.I. 2011/517; relevant amending instruments are S.I. 2013/436, 2017/247, 2024/347.

(**d**) 2012 c. 5.

(**e**) 2018 asp 9.

(**f**) S.I. 2012/1917, amended by S.I. 2022/1275; there are other amending instruments but none is relevant.

PART 3

Scotland

Amendment of the Representation of the People (Scotland) Regulations 2001

4. In regulation 53(5) of the Representation of the People (Scotland) Regulations 2001 (additional requirements for applications for a proxy vote for a particular or indefinite period on grounds of blindness or any other disability)(**a**), for sub-paragraph (b), substitute—

"(b) the application states that the applicant is in receipt of one of the following, because of the disability specified in the application—

(i) the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits Act 1992),

(ii) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011,

(iii) the enhanced rate of the mobility component of personal independence payment (payable under section 79(2) of the Welfare Reform Act 2012),

(iv) the higher rate of the mobility component of disability assistance for children and young people (payable in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018),

(v) the enhanced rate of the mobility component of disability assistance for working age people (payable in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018), or

(vi) the higher rate of the mobility component of a Scottish adult disability living allowance (payable in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018).".

PART 4

England and Wales, and Scotland

Amendment of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016

5. In regulation 64(5)(b) of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (additional requirements for applications for a proxy signature for a definite or an indefinite period on grounds of blindness or other disability: England and Wales and Scotland)(**b**)—

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

(b) at the end of paragraph (v), insert "or"; and

(c) after paragraph (v), insert—

"(vi) the higher rate of the mobility component of a Scottish adult disability living allowance (payable in accordance with regulations made under section 31 of the 2018 Act),".

Ian Murray
Secretary of State
Office of the Secretary of State for Scotland

27th February 2025

(**a**) S.I. 2001/497 (S. 2); relevant amending instruments are S.I. 2007/925 (S. 2), 2013/388, 2013/591, 2021/1188, 2022/332.
(**b**) S.I. 2016/295; relevant amending instruments are S.I. 2021/1188, 2022/332.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to elections legislation in England and Wales, and Scotland in consequence of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025 (S.S.I. 2025/3).

The Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025 introduce arrangements for the payment of Scottish Adult Disability Living Allowance, which will replace Disability Living Allowance for adults (recipients aged 18 and over) in Scotland. This Order makes amendments to provide that those in receipt of Scottish Adult Disability Living Allowance are treated in the same way as those in receipt of Disability Living Allowance for the purpose of proxy voting.

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

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