STATUTORY INSTRUMENTS

2025 No. 1089

CONSTITUTIONAL LAW

DEVOLUTION

SOCIAL SECURITY

The Social Security (Scotland Cross-border Consequential Amendment and Transitional Provision) Regulations 2025

Made - - - -	*14th October 2025*
Laid before Parliament	*16th October 2025*
Coming into force in accordance with regulation 1	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 71(1), (2), (3) and (5) of the Scotland Act 2016(**a**).

PART 1

Citation, commencement and extent

Citation, commencement and extent

1. —(1) These Regulations may be cited as the Social Security (Scotland Cross-border Consequential Amendment and Transitional Provision) Regulations 2025.

(2) Regulations 1, 2, 5, 6, 10, 11 and 14 come into force on 6th November 2025 and all other regulations come into force on 23rd February 2026.

(3) Part 1 of these Regulations extends to England and Wales, Scotland and Northern Ireland.

(4) Part 2 of these Regulations extends to England and Wales and Scotland.

(5) Part 3 of these Regulations extends to England and Wales only.

(6) Part 4 of these Regulations extends to Northern Ireland only.

(**a**) 2016 c. 11.

PART 2

England and Wales and Scotland

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

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

(2) In regulation 9 (conditions relating to residence and presence in Great Britain)—

(a) in paragraph (1), in the words before sub-paragraph (a), for "and 9C" substitute ", 9C, 9D and 9E";

(b) in paragraph (1)(b), for "Great Britain" substitute "the relevant place";

(c) after paragraph (1), insert—

"(1B) For the purposes of this regulation, "the relevant place" is—

(a) if the person is entitled to a carer's allowance in accordance with article 4 of the Regulatory Reform (Carer's Allowance) Order 2002(**b**) (transitional provision), Great Britain;

(b) otherwise, England and Wales.

(1C) In this regulation, "the relevant area" means—

(a) for the purposes of paragraphs (1)(a) and (c), Great Britain;

(b) for the purposes of paragraph (1)(b), the relevant place.";

(d) in paragraph (2), in the words before sub-paragraph (a), for "Great Britain" in the second place it appears substitute "the relevant area";

(e) in paragraphs (3)(a) and (3)(b), for "Great Britain" substitute "the relevant area";

(f) after paragraph (3), insert—

"(4) Where a person is required for the purposes of paragraph (1)(b) to be present in England and Wales, even though the person is absent from England and Wales on any day, the person is to be treated as though present in England and Wales on that day if—

(a) the person is in Scotland, and

(b) the person's absence—

(i) is, and when it began was, for a temporary purpose and has not lasted for a continuous period exceeding 4 weeks, or

(ii) is temporary and for the specific purpose of caring for the severely disabled person who is also absent from England and Wales and where any of the benefits or payments mentioned in, or prescribed for the purposes of, section 70(2) of the Contributions and Benefits Act(**c**) is payable in respect of that disabled person for that day.".

(3) After regulation 9C (refugees and certain persons with leave to enter and remain in the United Kingdom), insert—

(**a**) S.I. 1976/409; relevant amending instruments are S.I. 1996/2744, 2002/2497, 2013/389 and 2017/1015.
(**b**) S.I. 2002/1457.
(**c**) 1992 c. 4; section 70(2) was relevantly amended by S.I. 2013/388, 2013/796, 2021/1301, 2022/332, 2024/1048 and 2025/224.

"Persons who are entitled to a carer's allowance: effect of move to Scotland

9D.—(1) This regulation applies where a person entitled to a carer's allowance becomes permanently resident in Scotland on or after 6th November 2025.

(2) If, on the day before the residence change date, a person—

(a) is entitled to a carer's allowance other than under article 4 of the Regulatory Reform (Carer's Allowance) Order 2002, and

(b) satisfies the condition in paragraph (3),

that person is, insofar as they are not present in England and Wales on or after the residence change date, to be treated as present in England and Wales for the purposes of regulation 9(1)(b) for the duration of the run-on period.

(3) The condition referred to in paragraph (2) is that, where the person is entitled to a carer's allowance under section 70(1A) of the Contributions and Benefits Act(**a**) on the day before the residence change date, the period specified in paragraph (b) of section 70(1A) is still running on the residence change date.

(4) For the purposes of this regulation and regulation 9E—

(a) "residence change date", in relation to a person, means the date on which the person becomes permanently resident in Scotland (whether or not the Secretary of State is notified of the move and whether or not any such notification takes place before or after the person moves to Scotland);

(b) "run-on period", in relation to a person, is the period—

(i) beginning with the residence change date, and

(ii) ending—

(aa) where the severely disabled person dies before the residence change date, at the end of the period of eight weeks beginning with the Sunday following the death of the severely disabled person (or beginning with the date of death if the death occurred on a Sunday),

(bb) where the severely disabled person dies within the relevant period, at the end of the period of eight weeks beginning with the Sunday following the death of the severely disabled person (or beginning with the date of death if the death occurred on Sunday), or

(cc) in any other case, at the end of the day preceding the first pay day following the end of the relevant period (irrespective of whether or not the person's carer's allowance is payable in that particular week);

(c) "the Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations 1987(**b**).

(5) For the purposes of paragraph (4)(b)(ii)—

(a) "the relevant period" means the period of 13 weeks beginning with the residence change date;

(b) "pay day" means the day of the week on which the person's carer's allowance is payable in accordance with paragraph 4 of Schedule 6 to the Claims and Payments Regulations 1987.

(**a**) 1992 c. 4; section 70(1A) was inserted by S.I. 2002/1457.
(**b**) S.I. 1987/1968.

Persons with an ongoing claim for a carer's allowance: effect of move to Scotland

9E.—(1) Where a person satisfies the conditions in paragraph (2), the Secretary of State must comply with the requirement in paragraph (5).

(2) The conditions mentioned in paragraph (1) are, subject to paragraph (4), that the person—

(a) has an ongoing claim for a carer's allowance on the residence change date,

(b) becomes permanently resident in Scotland on or after 6th November 2025, and

(c) is, or in accordance with regulation 9 is treated for the purposes of regulation 9(1)(b) as being, present in England and Wales—

(i) on the day on which the person makes the claim, and

(ii) on the day before the residence change date.

(3) For the purposes of paragraph (2)(a), a person has an ongoing claim on the residence change date if, before that date, the claim has not—

(a) been decided by the Secretary of State under section 8 of the Social Security Act 1998(**a**),

(b) been withdrawn in accordance with regulation 5(2) of the Claims and Payments Regulations, or

(c) otherwise ceased to be under consideration before being decided by the Secretary of State under section 8 of the Social Security Act 1998.

(4) Where the day referred to in paragraph (i) or (ii) of paragraph (2)(c) is before 6th November 2025, the condition in that paragraph is to be read to the effect that the person must be present in England and Wales, or treated for the purposes of regulation 9(1)(b) as being present in Great Britain, on that day.

(5) The requirement mentioned in paragraph (1) is that the Secretary of State must make a decision under section 8 of the Social Security Act 1998 on the person's claim for a carer's allowance, unless the person withdraws the claim in accordance with regulation 5(2) of the Claims and Payments Regulations.

(6) For the purposes of the decision of the Secretary of State mentioned in paragraph (5), regulation 9(1)(b) applies as if for "the relevant place" there were substituted "Great Britain".

(7) If the Secretary of State decides that the person is entitled to a carer's allowance, the person is, insofar as they are not present in England and Wales on or after the residence change date, to be treated as present in England and Wales for the purposes of regulation 9(1)(b) for the duration of the run-on period.

(8) In this regulation, any reference to the date on which a person makes a claim for a carer's allowance (however expressed) is to be construed in accordance with regulation 6 of the Claims and Payments Regulations.".

Amendment of the Social Security (Attendance Allowance) Regulations 1991

3. —(1) The Social Security (Attendance Allowance) Regulations 1991(**b**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation)—

(**a**) 1998 c. 14; section 8 was relevantly amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 7 paragraph 22 and Schedule 10, Part 1; Welfare Reform and Pensions Act 1999 (c. 30), Schedule 13, Part VI; Welfare Reform Act 2012 (c. 5), Schedule 9 paragraph 39(a), Schedule 14, Part 8.

(**b**) S.I. 1991/2740; relevant amending instruments are S.I. 2013/389 and 2017/1015.

(a) in paragraph (2)—

(i) after the definition of "the Act", insert—

""the Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations 1987;";

(ii) after the definition of "the NHS (Wales) Act of 2006", insert—

""the residence change date", in relation to a person, means the date on which the person becomes permanently resident in Scotland (whether or not the Secretary of State is notified of the move and whether or not any such notification takes place before or after the person moves to Scotland);";

(b) after paragraph (2), insert—

"(2A) In these Regulations, "the run-on period", in relation to a person, is the period—

(a) beginning with the residence change date, and

(b) ending at the end of the day preceding the first pay day following the end of the relevant period (irrespective of whether or not the person's attendance allowance is payable in that particular week).

(2B) For the purposes of paragraph (2A)—

(a) "pay day" means the day of the week on which the person's attendance allowance is payable in accordance with paragraph 1 of Schedule 6 to the Claims and Payments Regulations;

(b) "the relevant period" means the period of 13 weeks beginning with the residence change date.".

(3) In regulation 2 (conditions as to residence and presence in Great Britain)—

(a) in paragraph (1)—

(i) in the words before sub-paragraph (a), for "and 2C" substitute ", 2C, 2D and 2E";

(ii) in sub-paragraph (a)(ii), for "Great Britain" substitute "England and Wales";

(b) in paragraph (2), in the words before sub-paragraph (a), for "Great Britain" in the second place it appears substitute "the relevant area";

(c) in paragraph (3B), in the words before sub-paragraph (a), for "Great Britain" in the second place it appears substitute "the relevant area";

(d) after paragraph (3B), insert—

"(3BA) In this regulation, "the relevant area" means—

(a) for the purposes of paragraph (1)(a)(ii), England and Wales;

(b) for the purposes of paragraph (1)(a)(iii), Great Britain.";

(e) after paragraph (3C), insert—

"(3CA) Where a person is required for the purposes of paragraph (1)(a)(ii) to be present in England and Wales, even though the person is absent from England and Wales on any day, the person is to be treated as though they were present in England and Wales on that day if—

(a) the person's absence on that day is by reason only of the fact that they are temporarily absent from England and Wales, and

(b) the person is present in Scotland.".

(4) After regulation 2C (refugees and certain persons with leave to enter or remain in the United Kingdom), insert—

"Effect of move to Scotland

2D.—(1) This regulation applies where a person entitled to attendance allowance becomes permanently resident in Scotland on or after 23rd February 2026.

(2) If, on the day before the residence change date, a person is entitled to attendance allowance, the person is, insofar as they are not present in England and Wales on or after the residence change date, to be treated as present in England and Wales for the purposes of regulation 2(1)(a)(ii) for the duration of the run-on period.

(3) If, on the day before the residence change date—

(a) the person has an award of attendance allowance which is for a fixed term period, and

(b) that fixed term period is due to expire before the end of the run-on period,

the fixed term period is extended so that it expires at the same time as the run-on period.

Effect of move to Scotland (ongoing claim)

2E.—(1) Where a person satisfies the conditions in paragraph (2), the Secretary of State must comply with the requirement in paragraph (5).

(2) The conditions mentioned in paragraph (1) are, subject to paragraph (4), that the person—

(a) has an ongoing claim for attendance allowance on the residence change date,

(b) becomes permanently resident in Scotland on or after 23rd February 2026, and

(c) is, or in accordance with regulation 2 is treated for the purposes of regulation 2(1)(a)(ii) as being, present in England and Wales—

(i) on the day on which the person makes the claim, and

(ii) on the day before the residence change date.

(3) For the purposes of paragraph (2)(a), the person has an ongoing claim on the residence change date if, before that date, the claim has not—

(a) been decided by the Secretary of State under section 8 of the Social Security Act 1998,

(b) been withdrawn in accordance with regulation 5(2) of the Claims and Payments Regulations, or

(c) otherwise ceased to be under consideration before being decided by the Secretary of State under section 8 of the Social Security Act 1998.

(4) Where the day referred to in paragraph (i) or (ii) of paragraph (2)(c) is before 23rd February 2026, the condition in that paragraph is to be read to the effect that the person must be present in England and Wales, or treated for the purposes of regulation 2(1)(a)(ii) as being present in Great Britain, on that day.

(5) The requirement mentioned in paragraph (1) is that the Secretary of State must make a decision under section 8 of the Social Security Act 1998 on the person's claim for attendance allowance, unless the person withdraws the claim in accordance with regulation 5(2) of the Claims and Payments Regulations.

(6) For the purposes of the decision of the Secretary of State mentioned in paragraph (5), regulation 2(1)(a)(ii) applies as if for "England and Wales" there were substituted "Great Britain".

(7) If the Secretary of State decides that the person is entitled to attendance allowance—

(a) the person is, insofar as they are not present in England and Wales on or after the residence change date, to be treated as present in England and Wales for the purposes of regulation 2(1)(a)(ii) for the duration of the run-on period, and

(b) if—

(i) the person has an award of attendance allowance which is for a fixed term period, and

(ii) the fixed term period is due to expire before the end of the run-on period,

the fixed term period is extended so that it expires at the same time as the run-on period.

(8) In this regulation, any reference to the date on which a person makes a claim for attendance allowance (however expressed) is to be construed in accordance with regulation 6 of the Claims and Payments Regulations.".

Amendment of the Social Security (Disability Living Allowance) Regulations 1991

4.—(1) The Social Security (Disability Living Allowance) Regulations 1991(**a**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (6)(b), for "pay day which falls immediately after the end of the relevant period" substitute "first pay day following the end of the relevant period (irrespective of whether or not the person's disability living allowance is payable in that particular week)";

(b) in paragraph (7)(a), for "on which a payment of disability living allowance is made in accordance with regulation 25(1) of the Claims and Payments Regulations" substitute "of the week on which the person's disability living allowance is payable in accordance with paragraph 1 of Schedule 6 to the Claims and Payments Regulations".

(3) Omit regulation 1ZA (regulations 2 and 2ZA: the status condition and the award condition).

(4) In regulation 2 (conditions as to residence and presence in Great Britain)—

(a) in paragraph (1)(a)(ii), for "the relevant place" substitute "England and Wales";

(b) omit paragraph (1ZZA);

(c) in paragraph (3BA)—

(i) in the words before sub-paragraph (a), for "In paragraphs (2), (3B) and (3D)" substitute "In this regulation";

(ii) in sub-paragraph (a), for "the relevant place" substitute "England and Wales".

(5) For regulation 2ZA (persons who are entitled to disability living allowance: effect of move to Scotland) substitute—

(**a**) S.I. 1991/2890; relevant amending instruments are S.I. 1993/1939, 2013/389, 2017/1015, 2023/664 and 2025/884.

"Persons who are entitled to disability living allowance: effect of move to Scotland

2ZA. —(1) This regulation applies where a person becomes permanently resident in Scotland on or after 23rd February 2026.

(2) If, on the day before the residence change date, a person is entitled to disability living allowance, the person is, insofar as they are not present in England and Wales on or after the residence change date, to be treated as present in England and Wales for the purposes of regulation 2(1)(a)(ii) for the duration of the run-on period.

(3) If, on the day before the residence change date—

(a) the person has an award of disability living allowance which is for a fixed term period, and

(b) that fixed term period is due to expire before the end of the run-on period,

the fixed term period is extended so that it expires at the same time as the run-on period.".

(6) In regulation 2ZB (persons with an ongoing claim for disability living allowance: effect of move to Scotland)—

(a) for paragraphs (1) and (2) substitute—

"(1) Where a person satisfies the conditions in paragraph (2), the Secretary of State must comply with the requirement in paragraph (3).

(2) The conditions mentioned in paragraph (1) are, subject to paragraph (2B), that the person—

(a) has an ongoing claim for disability living allowance on the residence change date,

(b) becomes permanently resident in Scotland on or after 23rd February 2026, and

(c) is, or in accordance with regulation 2 is treated for the purposes of regulation 2(1)(a)(ii) as being, present in England and Wales—

(i) on the day on which the person makes the claim, and

(ii) on the day before the residence change date.";

(b) after paragraph (2), insert—

"(2A) For the purposes of paragraph (2)(a), a person has an ongoing claim for disability living allowance on the residence change date if, before that date, the claim for disability living allowance has not—

(a) been decided by the Secretary of State under section 8 of the 1998 Act,

(b) been withdrawn in accordance with regulation 5(2) of the Claims and Payments Regulations, or

(c) otherwise ceased to be under consideration before being decided by the Secretary of State under section 8 of the 1998 Act.

(2B) Where the day referred to in paragraph (i) or (ii) of paragraph (2)(c) is before 23rd February 2026, the condition in that paragraph is to be read to the effect that the person must be present in England and Wales, or treated for the purposes of regulation 2(1)(a)(ii) as being present in Great Britain, on that day.";

(c) in paragraphs (3) and (5), for "new DLA claimant" wherever it appears (including within the expression "new DLA claimant's") substitute "person";

(d) in paragraph (3), after "The" in the first place it appears, insert "requirement mentioned in paragraph (1) is that the";

(e) in paragraph (4), for "regulation 2 applies as if the amendments made to that regulation by the Scotland Act 2016 (Social Security) (Disability Living Allowance) (Amendment) Regulations 2023 had not been made" substitute "regulation 2(1)(a)(ii) applies as if for "England and Wales" there were substituted "Great Britain"";

(f) in paragraph (5)—

(i) for "transfer day" wherever it appears substitute "run-on period";

(ii) in sub-paragraph (a), after "is", insert ", insofar as they are not present in England and Wales on or after the residence change date,";

(g) omit paragraph (6)(a).

Amendment of the Social Security (Personal Independence Payment) Regulations 2013

5.—(1) The Social Security (Personal Independence Payment) Regulations 2013(**a**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of "previous award", insert—

""the residence change date", in relation to a person, means the date on which the person becomes permanently resident in Scotland (whether or not the Secretary of State is notified of the move and whether or not any such notification takes place before or after the person moves to Scotland);";

(b) after the definition of "revised", insert—

""run-on period" has the meaning given in regulation 23ZB(4);".

(3) In regulation 16(a) (conditions relating to residence and presence in Great Britain), for "Great Britain" substitute "England and Wales".

(4) After regulation 16, insert—

"Meaning of "the relevant area" in this Part

16A. In this Part, "the relevant area" means—

(a) for the purposes of regulation 16(a), England and Wales;

(b) for the purposes of regulation 16(b), Great Britain.".

(5) In regulation 17(1) (absence from Great Britain), for "Great Britain" in the second place it appears substitute "the relevant area".

(6) In regulation 18(1) (absence from Great Britain to receive medical treatment), in the words before sub-paragraph (a), for "Great Britain" in the second place it appears substitute "the relevant area".

(7) In regulation 19(1) (absence from Great Britain in special cases), in the words before sub-paragraph (a), for "Great Britain" in the second place it appears substitute "the relevant area".

(8) After regulation 20 (serving members of His Majesty's forces and their family members – further provision), insert—

(**a**) S.I. 2013/377; relevant amending instruments are S.I. 2021/804 and 2022/335.

"Absence from England and Wales whilst present in Scotland

20A. Where C is required for the purposes of regulation 16(a) to be present in England and Wales, even though C is absent from England and Wales on a particular day, C is to be treated as though they were present in England and Wales on that day if—

(a) C's absence on that day is by reason only of the fact that they are temporarily absent from England and Wales, and

(b) C is present in Scotland.".

(9) After regulation 23ZA (persons in receipt of an equivalent Scottish benefit who move from Scotland to England or Wales), insert—

"Effect of move to Scotland (C entitled to personal independence payment)

23ZB.—(1) This regulation applies where C becomes permanently resident in Scotland on or after 6th November 2025.

(2) If, on the day before the residence change date, C is entitled to any component of personal independence payment, C is, insofar as they are not present in England and Wales on or after the residence change date, to be treated as present in England and Wales for the purposes of regulation 16(a) for the duration of the run-on period.

(3) If, on the day before the residence change date—

(a) C has an award of any component of personal independence payment which is for a fixed term period, and

(b) that fixed term period is due to expire before the end of the run-on period,

the fixed term period is extended so that it expires at the same time as the run-on period.

(4) "The run-on period", in relation to a person, is the period—

(a) beginning with the residence change date, and

(b) ending at the end of the period of 13 weeks beginning on the residence change date.

Effect of move to Scotland (ongoing claim)

23ZC.—(1) Where C satisfies the conditions in paragraph (2), the Secretary of State must comply with the requirement in paragraph (5).

(2) The conditions mentioned in paragraph (1) are, subject to paragraph (4), that C—

(a) has an ongoing claim for personal independence payment on the residence change date,

(b) becomes permanently resident in Scotland on or after 6th November 2025, and

(c) is, or in accordance with a provision other than this regulation is treated for the purposes of regulation 16(a) as being, present in England and Wales—

(i) on the day on which C makes the claim, and

(ii) on the day before the residence change date.

(3) For the purposes of paragraph (2)(a), C has an ongoing claim on the residence change date if, before that date, the claim has not—

(a) been decided by the Secretary of State under section 8 of the 1998 Act,

(b) been withdrawn in accordance with regulation 31 of the Claims and Payments Regulations, or

(c) otherwise ceased to be under consideration before being decided by the Secretary of State under section 8 of the 1998 Act.

(4) Where the day referred to in paragraph (i) or (ii) of paragraph (2)(c) is before 6th November 2025, the condition in that paragraph is to be read to the effect that the person must be present in England and Wales, or treated for the purposes of regulation 16(a) as being present in Great Britain, on that day.

(5) The requirement mentioned in paragraph (1) is that the Secretary of State must make a decision under section 8 of the 1998 Act on C's claim for personal independence payment, unless C withdraws the claim in accordance with regulation 31 of the Claims and Payments Regulations.

(6) For the purposes of the decision of the Secretary of State mentioned in paragraph (5), regulation 16(a) applies as if for "England and Wales" there were substituted "Great Britain".

(7) If the Secretary of State decides that C is entitled to any component of personal independence payment—

(a) C is, insofar as they are not present in England and Wales on or after the residence change date, to be treated as present in England and Wales for the purposes of regulation 16(a) for the duration of the run-on period, and

(b) if—

(i) C has an award of any component of personal independence payment which is for a fixed term period, and

(ii) the fixed term period is due to expire before the end of the run-on period,

the fixed term period is extended so that it expires at the same time as the run-on period.

(8) In this regulation—

(a) the "Claims and Payments Regulations" means the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013(**a**);

(b) any reference to the date on which a person makes a claim for personal independence payment (however expressed) is to be construed in accordance with regulation 12 of the Claims and Payments Regulations.".

Transitional provision

6.—(1) Subject to paragraph (2), where a person is a transferring individual, as defined by a provision in column 1 of the following table, on or before the date specified in the corresponding row of column 2, the amendments made by regulations 2 to 5 and 8 to 10 do not apply to that person until the earlier of—

(a) the first day of entitlement under an award of a relevant benefit made to the transferring individual by the Scottish Ministers,

(b) the date of a determination by the Scottish Ministers that the transferring individual is not entitled to an award of a relevant benefit, or

(c) the date that the person ceases to be permanently resident in Scotland.

(**a**) S.I. 2013/380.

Column 1	*Column 2*
Paragraph 7 of the Schedule to the Disability Assistance for Children and Young People (Scotland) Regulations 2021(**a**)	5th November 2025
Paragraph 7 of Schedule 2 to the Disability Assistance for Working Age People (Scotland) Regulations 2022(**b**)	5th November 2025
Paragraph 3 of Schedule 1 to the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023(**c**)	5th November 2025
Paragraph 7 of the Schedule to the Disability Assistance for Older People (Scotland) Regulations 2024(**d**)	22nd February 2026
Regulation 2 of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(**e**)	22nd February 2026

(2) Paragraph (1) does not apply if on or before the date listed in column 2—

(a) the Scottish Ministers make an award of a relevant benefit to the transferring individual,

(b) the Scottish Ministers determine that the transferring individual is not entitled to an award of a relevant benefit, or

(c) the transferring individual ceases to have an entitlement to personal independence payment, carer's allowance, attendance allowance or disability living allowance (whichever is applicable to the transferring individual).

(3) Where, before the relevant date—

(a) a person becomes permanently resident in Scotland,

(b) that person is entitled to personal independence payment, carer's allowance, attendance allowance or disability living allowance immediately before that change in residence,

(c) that person has not ceased to be entitled to personal independence payment, carer's allowance, attendance allowance or disability living allowance,

(d) the Scottish Ministers are aware of that change in residence, and

(e) there has been no determination by the Scottish Ministers of the person's entitlement to an award of a relevant benefit,

the amendments made by regulations 2 to 5 and 8 to 10 do not apply to that person until the earlier of the first day of entitlement under an award of a relevant benefit made to the person by the Scottish Ministers, the date of a determination by the Scottish Ministers that the person is not entitled to an award of a relevant benefit or the date that the person ceases to be permanently resident in Scotland.

(4) In paragraph (3), the "relevant date" means—

(a) for a person who was entitled to personal independence payment or carer's allowance immediately before becoming permanently resident in Scotland, 6th November 2025;

(b) for a person who was entitled to attendance allowance or disability living allowance immediately before becoming permanently resident in Scotland, 23rd February 2026.

(**a**) S.S.I. 2021/174.
(**b**) S.S.I. 2022/54, amended by S.S.I. 2022/217; there are other amending instruments but none is relevant.
(**c**) S.S.I. 2023/302.
(**d**) S.S.I. 2024/166.
(**e**) S.S.I. 2025/3.

(5) Where neither paragraph (1) nor (3) applies, and a person—

(a) became permanently resident in Scotland before 6th November 2025, and

(b) was entitled to carer's allowance—

(i) on 5th November 2025 under section 70(1A) of the Social Security Contributions and Benefits Act 1992 ("the 1992 Act"), or

(ii) on 5th November 2025 under section 70 of the 1992 Act but, after that date, the severely disabled person for whom the person cares (within the meaning of that section) dies,

the person is to be treated as present in England and Wales on any day between the date of death and the expiry of the period specified in section 70(1A)(b) of the 1992 Act where they are absent from England and Wales and their entitlement under that section would therefore otherwise cease as a result of being permanently resident in Scotland.

(6) In this regulation an "award of a relevant benefit" means an award in accordance with any of the following legislation—

(a) the Disability Assistance for Children and Young People (Scotland) Regulations 2021;

(b) the Disability Assistance for Working Age People (Scotland) Regulations 2022;

(c) the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023;

(d) the Disability Assistance for Older People (Scotland) Regulations 2024;

(e) the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025.

Saving provision

7. The amendments made by regulation 4(3) to (6) of these Regulations do not apply to a person who—

(a) was a—

(i) relevant DLA entitled person as defined by regulation 2ZA of the Social Security (Disability Living Allowance) Regulations 1991 before that provision was substituted by regulation 4(5) of these Regulations, or

(ii) a new DLA claimant as defined by regulation 2ZB of the Social Security (Disability Living Allowance) Regulations 1991 before that provision was amended by regulation 4(6) of these Regulations, and

(b) became permanently resident in Scotland—

(i) on or after 7th July 2023, but

(ii) before 23rd February 2026.

PART 3

England and Wales

Amendment of the Social Security (Attendance Allowance) Regulations 1991

8. In the Social Security (Attendance Allowance) Regulations 1991(**a**), in regulation 2 (conditions as to residence and presence in Great Britain)—

(a) in paragraph (3D), in the words before sub-paragraph (a), for "Great Britain" in the second place it appears substitute "the relevant area";

(**a**) S.I. 1991/2740, amended by S.I. 2025/884; there are other amending instruments but none is relevant.

(b) in paragraph (3E), for "Great Britain" in the second place it appears substitute "the relevant area".

Amendment of the Social Security (Disability Living Allowance) Regulations 1991

9. In the Social Security (Disability Living Allowance) Regulations 1991(**a**), in regulation 2(3E) (conditions as to residence and presence in Great Britain), for "Great Britain" in the second place it appears substitute "the relevant area".

Amendment of the Social Security (Personal Independence Payment) Regulations 2013

10.—(1) The Social Security (Personal Independence Payment) Regulations 2013(**b**) are amended as follows.

(2) In regulation 18A(1) (absence where His Majesty's Government provides public information to advise British nationals to leave a country or territory or arranges the evacuation of British nationals from a country or territory), in the words before sub-paragraph (a), for "Great Britain" in the second place it appears substitute "the relevant area".

(3) In regulation 18B (time limits on absences where the claimant is treated as being in Great Britain), for "Great Britain" in the second place it appears substitute "the relevant area".

PART 4

Northern Ireland

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

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

(2) In regulation 2(1) (interpretation) after the definition of "carer support payment", insert—

> ""the Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**d**).".

(3) In regulation 9(1) (conditions relating to residence and presence in Northern Ireland), in the words before sub-paragraph (a), for "and 9C" substitute ", 9C, 9D and 9E".

(4) After regulation 9C, insert—

> **"Persons who are entitled to a carer's allowance: effect of move to Scotland**
>
> **9D.**—(1) This regulation applies where a person entitled to a carer's allowance becomes permanently resident in Scotland on or after 6th November 2025.
>
> (2) If, on the day before the residence change date, a person is entitled to a carer's allowance, that person is, insofar as they are not present in Northern Ireland on or after the residence change date, to be treated as present in Northern Ireland for the purposes of regulation 9(1)(b) for the duration of the run-on period.
>
> (3) For the purposes of this regulation and regulation 9E—

(**a**) S.I. 1991/2890, amended by S.I. 2025/884; there are other amending instruments but none is relevant.
(**b**) S.I. 2013/377, amended by S.I. 2025/884; there are other amending instruments but none is relevant.
(**c**) S.R. 1976 No. 99, amended by S.R. 2016 No. 229; there are other amending instruments but none is relevant.
(**d**) S.R. 1987 No. 465, amended by S.I. 2023/1218; there are other amending instruments but none is relevant.

(a) "the residence change date", in relation to a person, means the date on which the person becomes permanently resident in Scotland (whether or not the Department is notified of the move and whether or not any such notification takes place before or after the person moves to Scotland);

(b) "run-on period", in relation to a person, is the period—

(i) beginning with the residence change date, and

(ii) ending—

(aa) where the severely disabled person dies before the residence change date, at the end of the period of eight weeks beginning with the Sunday following the death of the severely disabled person (or beginning with the date of death if the death occurred on a Sunday);

(bb) where the severely disabled person dies within the relevant period, at the end of the period of 8 weeks beginning with the Sunday following the death of the severely disabled person (or beginning with the date of death if the death occurred on a Sunday); or

(cc) in any other case, at the end of the day preceding the first pay day following the end of the relevant period (irrespective of whether or not the person's carer's allowance is payable in that particular week).

(4) For the purposes of paragraph (3)(b)(ii)—

(a) "the relevant period" means the period of 13 weeks beginning with the residence change date;

(b) "pay day" means the day on which a payment of a carer's allowance is made in accordance with paragraph 4 of Schedule 6 to the Claims and Payments Regulations.

Persons with an ongoing claim for a carer's allowance: effect of move to Scotland

9E.—(1) Where a person satisfies the conditions in paragraph (2), the Department must comply with the requirement in paragraph (4).

(2) The conditions mentioned in paragraph (1) are that the person—

(a) has an ongoing claim for a carer's allowance on the residence change date;

(b) becomes permanently resident in Scotland on or after 6th November 2025; and

(c) is, or in accordance with regulation 9 is treated for the purposes of regulation 9(1)(b) as being, present in Northern Ireland—

(i) on the day on which the person makes the claim; and

(ii) on the day before the residence change date.

(3) For the purposes of paragraph (2)(a), a person has an ongoing claim on the residence change date if, before that date, the claim has not—

(a) been decided by the Department under Article 9 of the Social Security (Northern Ireland) Order 1998(**a**);

(b) been withdrawn in accordance with regulation 5(2) of the Claims and Payments Regulations; or

(**a**) S.I. 1998/1506 (N.I. 10).

(c) otherwise ceased to be under consideration before being decided by the Department under Article 9 of the Social Security (Northern Ireland) Order 1998.

(4) The requirement mentioned in paragraph (1) is that the Department must make a decision under Article 9 of the Social Security (Northern Ireland) Order 1998 on the person's claim for a carer's allowance, unless the person withdraws the claim in accordance with regulation 5(2) of the Claims and Payments Regulations.

(5) If the Department decides that the person is entitled to a carer's allowance, the person is, insofar as they are not present in Northern Ireland on or after the residence change date, to be treated as present in Northern Ireland for the purposes of regulation 9(1)(b) for the duration of the run-on period.

(6) In this regulation, any reference to the date on which a person makes a claim for a carer's allowance (however expressed) is to be construed in accordance with regulation 6 of the Claims and Payments Regulations.".

Amendment of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992

12.—(1) The Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(**a**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (2), after the definition of "the 1998 Order", insert—

""the Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987;

"the residence change date", in relation to a person, means the date on which the person becomes permanently resident in Scotland (whether or not the Department is notified of the move and whether or not any such notification takes place before or after the person moves to Scotland);";

(b) after paragraph (2), insert—

"(2A) In these Regulations "the run-on period", in relation to a person, is the period—

(a) beginning with the residence change date; and

(b) ending at the end of the day preceding the first pay day following the end of the relevant period (irrespective of whether or not the person's attendance allowance is payable in that particular week).

(2B) For the purposes of paragraph (2A)—

(a) "pay day" means the day of the week on which the person's attendance allowance is payable in accordance with regulation 25(1) of the Claims and Payments Regulations;

(b) "the relevant period" means the period of 13 weeks beginning with the residence change date.".

(3) In regulation 2(1) (conditions as to residence and presence in Northern Ireland), in the words before sub-paragraph (a), for "and 2C" substitute ", 2C, 2D and 2E".

(4) After regulation 2C (refugees and certain persons with leave to enter or remain in the United Kingdom), insert—

(**a**) S.R. 1992 No. 20; relevant amending instruments are S.R. 1999 No. 428 (c. 32), S.R. 2016 No. 229 and S.R. 2017 No. 218.

"Effect of move to Scotland

2D.—(1) This regulation applies where a person entitled to attendance allowance becomes permanently resident in Scotland on or after 23rd February 2026.

(2) If, on the day before the residence change date, a person is entitled to attendance allowance, the person is, insofar as they are not present in Northern Ireland on or after the residence change date, to be treated as present in Northern Ireland for the purposes of regulation 2(1)(a)(ii) for the duration of the run-on period.

(3) If, on the day before the residence change date—

(a) the person has an award of attendance allowance which is for a fixed term period; and

(b) that fixed term period is due to expire before the end of the run-on period;

the fixed term period is extended so that it expires at the same time as the run-on period.

Effect of move to Scotland (ongoing claim)

2E.—(1) Where a person satisfies the conditions in paragraph (2), the Department must comply with the requirement in paragraph (4).

(2) The conditions mentioned in paragraph (1) are that the person—

(a) has an ongoing claim for attendance allowance on the residence change date;

(b) becomes permanently resident in Scotland on or after 23rd February 2026; and

(c) is, or in accordance with regulation 2 is treated for the purposes of regulation 2(1)(a)(ii) as being, present in Northern Ireland—

(i) on the day on which the person makes the claim, and

(ii) on the day before the residence change date.

(3) For the purposes of paragraph (2)(a), the person has an ongoing claim on the residence change date if, before that date, the claim has not—

(a) been decided by the Department under Article 9 of the 1998 Order;

(b) been withdrawn in accordance with regulation 5(2) of the Claims and Payments Regulations; or

(c) otherwise ceased to be under consideration before being decided by the Department under Article 9 of the 1998 Order.

(4) The requirement mentioned in paragraph (1) is that the Department must make a decision under Article 9 of the 1998 Order on the person's claim for attendance allowance, unless the person withdraws the claim in accordance with regulation 5(2) of the Claims and Payments Regulations.

(5) If the Department decides that the person is entitled to attendance allowance—

(a) the person is, insofar as they are not present in Northern Ireland on or after the residence change date, to be treated as present in Northern Ireland for the purposes of regulation 2(1)(a)(ii) for the duration of the run-on period; and

(b) if—

(i) the person has an award of attendance allowance which is for a fixed term period, and

(ii) the fixed term period is due to expire before the end of the run-on period,

the fixed term period is extended so that it expires at the same time as the run-on period.

(6) In this regulation, any reference to the date on which a person makes a claim for attendance allowance (however expressed) is to be construed in accordance with regulation 6 of the Claims and Payments Regulations.".

Amendment of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992

13. —(1) The Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(**a**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (5)(b), for "pay day which falls immediately after the end of the relevant period" substitute "first pay day following the end of the relevant period (irrespective of whether or not the person's disability living allowance is payable in that particular week)";

(b) in paragraph (6)(a), for "on which a payment of disability living allowance is made in accordance with regulation 25(1) of the Claims and Payments Regulations" substitute "of the week on which the person's disability living allowance is payable in accordance with paragraph 1 of Schedule 6 to the Claims and Payments Regulations".

(3) For regulation 2ZA (persons who are entitled to disability living allowance: effect of move to Scotland) substitute—

"Persons who are entitled to disability living allowance: effect of move to Scotland

2ZA. —(1) This regulation applies where a person becomes permanently resident in Scotland on or after 23rd February 2026.

(2) If, on the day before the residence change date, a person is entitled to disability living allowance, the person is, insofar as they are not present in Northern Ireland on or after the residence change date, treated as present in Northern Ireland for the purposes of regulation 2(1)(a)(ii) for the duration of the run-on period.

(3) If, on the day before the residence change date—

(a) the person has an award of disability living allowance which is for a fixed term period; and

(b) that fixed term period is due to expire before the end of the run-on period;

the fixed term period is extended so that it expires at the same time as the run-on period.".

(4) In regulation 2ZB (persons with an ongoing claim for disability living allowance: effect of move to Scotland)—

(a) for paragraphs (1) and (2) substitute—

"(1) Where a person satisfies the conditions in paragraph (2), the Department must comply with the requirement in paragraph (3).

(2) The conditions mentioned in paragraph (1) are that the person—

(a) has an ongoing claim for disability living allowance on the residence change date;

(b) becomes permanently resident in Scotland on or after 23rd February 2026; and

(c) is, or in accordance with regulation 2 is treated for the purposes of regulation 2(1)(a)(ii) as being, present in Northern Ireland—

(i) on the day on which the person makes the claim, and

(**a**) S.R. 1992 No. 32, amended by S.I. 2023/664; there are other amending instruments but none is relevant.

(ii) on the day before the residence change date.";

(b) after paragraph (2), insert—

"(2A) For the purposes of paragraph (2)(a), a person has an ongoing claim for disability living allowance on the residence change date if, before that date, the claim for disability living allowance has not—

(a) been decided by the Department under Article 9 of the 1998 Order;

(b) been withdrawn in accordance with regulation 5(2) of the Claims and Payments regulations; or

(c) otherwise ceased to be under consideration before being decided by the Department under Article 9 of the 1998 Order.";

(c) in paragraphs (3) and (5), for "new DLA claimant" wherever it appears (including within the expression "new DLA claimant's") substitute "person";

(d) in paragraph (3), after "The" in the first place it appears, insert "requirement mentioned in paragraph (1) is that the";

(e) in paragraph (5)—

(i) for "transfer day" wherever it appears substitute "run-on period";

(ii) in sub-paragraph (a), after "is", insert ", insofar as they are not present in Northern Ireland on or after the residence change date,";

(f) omit paragraph (6)(a).

Amendment of the Personal Independence Payment Regulations (Northern Ireland) 2016

14. —(1) The Personal Independence Payment Regulations (Northern Ireland) 2016(**a**) are amended as follows.

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

(a) after the definition of "previous award", insert—

""the residence change date", in relation to a person, means the date on which the person becomes permanently resident in Scotland (whether or not the Department is notified of the move and whether or not any such notification takes place before or after the person moves to Scotland);";

(b) after the definition of "revised", insert—

""run-on period" has the meaning given in regulation 23ZB(4);".

(3) After regulation 23ZA (persons in receipt of an equivalent Scottish benefit who move from Scotland to Northern Ireland), insert—

"Effect of move to Scotland (C entitled to personal independence payment)

23ZB.—(1) This regulation applies where C becomes permanently resident in Scotland on or after 6th November 2025.

(2) If, on the day before the residence change date, C is entitled to any component of personal independence payment, C is, insofar as they are not present in Northern Ireland on or after the residence change date, treated as present in Northern Ireland for the purposes of regulation 16(a) for the duration of the run-on period.

(3) If, on the day before the residence change date—

(**a**) S.R. 2016 No. 217; relevant amending instruments are S.I. 2021/804 and 2022/335.

(a) C has an award of any component of personal independence payment which is for a fixed term period; and

(b) that fixed term period is due to expire before the end of the run-on period;

the fixed term period is extended so that it expires at the same time as the run-on period.

(4) "The run-on period", in relation to a person, is the period—

(a) beginning with the residence change date; and

(b) ending at the end of the period of 13 weeks beginning on the residence change date.

Effect of move to Scotland (ongoing claim)

23ZC.—(1) Where C satisfies the conditions in paragraph (2), the Department must comply with the requirement in paragraph (4).

(2) The conditions mentioned in paragraph (1) are that C—

(a) has an ongoing claim for personal independence payment on the residence change date;

(b) becomes permanently resident in Scotland on or after 6th November 2025; and

(c) is, or in accordance with a provision other than this regulation is treated for the purposes of regulation 16(a) as being, present in Northern Ireland—

(i) on the day on which C makes the claim, and

(ii) on the day before the residence change date.

(3) For the purposes of paragraph (2)(a), C has an ongoing claim on the residence change date if, before that date, the claim has not—

(a) been decided by the Department under Article 9 of the 1998 Order;

(b) been withdrawn in accordance with regulation 30 of the Claims and Payments Regulations; or

(c) otherwise ceased to be under consideration before being decided by the Department under Article 9 of the 1998 Order.

(4) The requirement mentioned in paragraph (1) is that the Department must make a decision under Article 9 of the 1998 Order on C's claim for personal independence payment, unless C withdraws the claim in accordance with regulation 30 of the Claims and Payments Regulations.

(5) If the Department decides that C is entitled to any component of personal independence payment—

(a) C is, insofar as they are not present in Northern Ireland on or after the residence change date, to be treated as present in Northern Ireland for the purposes of regulation 16(a) for the duration of the run-on period; and

(b) if—

(i) C has an award of any component of personal independence payment which is for a fixed term period, and

(ii) the fixed term period is due to expire before the end of the run-on period,

the fixed term period is extended so that it expires at the same time as the run-on period.

(6) In this regulation—

(a) the "Claims and Payments Regulations" means the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016(**a**);

(b) any reference to the date on which a person makes a claim for personal independence payment (however expressed) is to be construed in accordance with regulation 11 of the Claims and Payments Regulations.".

Saving provision

15. The amendments made by regulation 13(3) and (4) of these Regulations do not apply to a person who—

(a) was a—

(i) relevant DLA entitled person as defined by regulation 2ZA of the Social Security (Disability Living Allowance) (Northern Ireland) Regulations 1992 before that provision was substituted by regulation 13(3) of these Regulations, or

(ii) a new DLA claimant as defined by regulation 2ZB of the Social Security (Disability Living Allowance) (Northern Ireland) Regulations 1992 before that provision was amended by regulation 13(4) of these Regulations, and

(b) became permanently resident in Scotland—

(i) on or after 7th July 2023, but

(ii) before 23rd February 2026.

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

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

14th October 2025

(**a**) S.R. 2016 No. 220.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 71 of the Scotland Act 2016 (c. 11) ("the Act") allows the Secretary of State by regulations to make such consequential provision in connection with any provision of Parts 1 and 3 to 6 of the Act (only Part 3 is relevant in this case) as the Secretary of State considers appropriate.

These Regulations make changes consequential upon the introduction of new social security benefits in Scotland to replace carer's allowance, attendance allowance, disability living allowance and personal independence payment.

Regulations 2 to 5, each of which relates to one of the benefits listed above, make changes which mean a person:

- is generally only entitled to the benefit if they are present in England and Wales,
- can continue to be entitled to the benefit, upon permanently moving to Scotland, for a period of up to 13 weeks and 6 days (or longer for recipients of a carer's allowance following the death of the severely disabled person for whom they care) following their move (a "run-on period"), and
- will receive a decision from the Secretary of State if they have an ongoing claim for the benefit on the date of moving permanently to Scotland.

Regulations 11 to 14 make corresponding provision in Northern Ireland legislation as required.

Regulations 8 to 10 make consequential changes to existing provisions that extend to England and Wales only.

Regulation 6 is a transitional provision that provides that the changes made by regulations 2 to 5 and 8 to 10 do not apply to certain claimants who permanently moved to Scotland before the coming into force date of these Regulations, and therefore do not benefit from the run-on period. This allows their entitlement to continue until the Scottish Ministers have determined whether or not they are entitled to the replacement Scottish benefit. It also ensures claimants of a carer's allowance are entitled to payment for the full period of 8 weeks provided for in section 70(1A) of the Social Security Contributions and Benefits Act 1992 (c. 4) should the severely disabled person for whom they care pass away shortly before they move to Scotland, or after they move to Scotland but before they gain entitlement to the replacement Scottish benefit.

Regulations 7 and 15 are saving provisions preserving the current position for certain claimants of disability living allowance, for whom changes consequential upon the introduction of Child Disability Payment are already in force.

No impact assessment has been prepared for this instrument as no impact, or no significant impact, on the private, voluntary or public sectors is foreseen.

© Crown Copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-827561-2

£8.90

http://www.legislation.gov.uk/id/uksi/2025/1089

9 780348 275612