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Ms. Judith Paterson and Dr Mark Simpson  
Interim Co-Chairs of the Scottish Commission on  
Social Security  
c/o Scottish Government  
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11 March 2024

Dear Judith and Mark,

I enclose the draft Disability Assistance (Scottish Adult Disability Living Allowance) (Scotland) Regulations 2024, which make provision for the introduction of Scottish Adult Disability Living Allowance (Scottish Adult DLA) under sections, 31(2), 36(2), 41(4)(a), 43(5), 51(1), 52 and 95 of the Social Security (Scotland) Act 2018. I am pleased to provide the Scottish Commission on Social Security (SCoSS) with the formal request for scrutiny of these draft regulations. I would ask that SCoSS provide their scrutiny report on these regulations by 10 June 2024, allowing the normal 12-week scrutiny timeframe.

These draft regulations set out the detail of how this devolved form of disability assistance will function when it commences in Spring 2025. A further draft of these regulations will be laid in Parliament in Autumn 2024.

Scottish Adult DLA is intended to be a closed benefit, accessible only by case transfer from Disability Living Allowance (DLA) for adults in Scotland. Scottish Adult DLA will, therefore, have similar eligibility criteria to Disability Living Allowance, except where there are clear differences in the Scottish system, for example our more generous terminal illness rules. In this way it will be much like Child Disability Payment, which was developed to be a like-for-like replacement for DLA for children. Scottish Adult DLA will only be available to those whose awards are transferring from DLA for adults; it will not be open to new applications. This includes two groups:

- People who were born on or before 8 April 1948 and received a commitment from the DWP on the introduction of Personal Independence Payment in 2013, that they could continue to receive DLA for as long as they were eligible to do so ('DLA 65+');
- People who were born after 8 April 1948 who have not yet had their Disability Living Allowance award transitioned to Personal Independence Payment or Adult Disability Payment ('Working Age DLA'),

Once on Scottish Adult DLA, people in the Working Age DLA group will be able to apply for Adult Disability Payment if they wish but will not be required to do so. We believe people

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should be able to make an informed choice as to whether Adult Disability Payment is best for them.

Along with the draft regulations, to assist SCoSS with their scrutiny I am also providing a draft policy note. I also intend to share drafts of the following impact assessments: an Equalities Impact Assessment; the Business and Regulatory Impact Assessment; the Islands Impact Assessment; and the Fairer Scotland Duty Assessment in due course.

I want to extend my thanks to the Commission for considering these regulations. SCoSS' role in scrutinising these proposals will be key in ensuring that we achieve our aim of delivering a social security system in Scotland that meets our values of treating people with dignity, fairness and respect.

It may be helpful to note that these draft regulations will be published on **25 March 2024**, and I have sent a copy to the Social Justice and Social Security Committee with the associated papers.

I am proud to mark another major milestone in the process of delivering devolved social security and in building a system that better meets the needs of disabled people in Scotland.

Yours Sincerely,



**SHIRLEY-ANNE SOMERVILLE**

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