
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

SOCIAL SECURITY

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

Made - - - - - ***

Coming into force - - - - - ***

The Scottish Minister 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), 52, 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 National Assembly for Wales.

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.

PART 1

Introductory

Citation and commencement

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

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- (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. Schedule 2 of the 2018 Act was amended by sections 13(2)(a) and 12(2)(b) of the Social Security Administration and Tribunal Membership Act 2020. Schedule 5 of the 2018 Act was amended by sections 11(2)(a) 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). The Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act under sections 28, 31 and 32.

- (2) Subject to paragraphs (3) and (4), these Regulations come into force on [date].
- (3) [PADP cross-border and case transfer revocation/savings provisions] come into force on [date].
- (4) [SADLA provisions] come into force on [date].

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), and

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

PART 2

Amendments

Amendment of the Social Security (Scotland) Act 2018

3.—(1) Section 81 of the Social Security (Scotland) Act 2018(f) 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 “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 the definition of “relevant EU Regulation”, after “subsection (11)(b)(i)(D)” insert “or subsection (11)(b)(i)(E)”.

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

4.—(1) The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018(g) are amended in accordance with paragraphs (2) to (3).

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

(a) for head (aa) substitute—

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- (a) S.S.I. 2022/54, as relevantly amended by S.S.I. 2022/217, S.S.I. 2023/346, S.S.I. 2024/141, S.S.I. 2024/166, S.S.I. 2024/311 and [Scottish Adult DLA regs].
- (b) S.S.I. 2023/302, as relevantly amended by S.S.I. 2024/141, S.S.I. 2024/173 and S.S.I. 2024/311.
- (c) S.S.I. 2021/174, as relevantly amended by S.S.I. 2021/416, S.S.I. 2022/31, 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, as relevantly amended by S.S.I. 2024/311 and [Scottish Adult DLA regs].
- (e) S.S.I. 2025/[TBC].
- (f) 2018 asp 9.
- (g) S.S.I. 2018/370, as relevantly amended by S.S.I. 2020/399.

- “(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^(a) 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.”

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

5.—(1) The Welfare Foods (Best Start Foods) (Scotland) Regulations 2019^(b) 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—

(a) 1971 c.77.
(b) S.S.I. 2019/193.

“(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(a) are amended in accordance with paragraphs (2) to (3).

(2) In regulation 8(5)(a)(i)—

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

(b) at the end of sub-head (dd), substitute “and” with “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”.

(3) In regulation 8(10), in 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 Disability Assistance for Children and Young People (Scotland) Regulations 2021

7.—(1) The Child Disability Payment Regulations are amended in accordance with paragraphs (2) to (7).

(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(b), or

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

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(d).”

(3) 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”.

(4) 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) after sub-head (dd) insert—

“or,

(a) S.S.I. 2019/324.

(b) S.I. 1974/555.

(c) S.I. 2024/149.

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

- (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(3) (when an application is to be treated as made and beginning of entitlement to assistance) after “on the basis of an application” insert “(other than where regulation 35 or 35A applies)”.

(6) 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—

“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, the date on which entitlement begins is to be identified in accordance with paragraphs (3) and (4).

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

- (a) where the date of the move is before [CIF date] but the Scottish Ministers become aware that the individual has become resident in Scotland on or after [CIF date],
 - (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 [CIF date], and
 - (ii) an application is made by whichever is the later of the day—
 - (aa) 26 weeks after [CIF date], or
 - (bb) 6 weeks after the day the required data is submitted,

(b) where the date of the move is after [CIF date]—

- (i) 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) an application is made by whichever is the later of the day—
 - (aa) 26 weeks after the date of the move, or
 - (bb) 6 weeks after the day the required data is submitted,

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

(4) Subject to paragraph (5), where an application is made after the period described in paragraph (3)(a)(ii) or (b)(ii), the date on which entitlement begins is to be identified 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 an application was made after the period described in paragraph (3)(a)(ii) or (b)(ii), they may treat 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).

(7) [After regulation 35 insert—

“Individuals in respect of whom Disability Living Allowance is paid after [CIF] date

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

- (a) immediately before 7 July 2023—
 - (i) was entitled to Disability Living Allowance, and
 - (ii) fell within the definition of a relevant individual in terms of paragraph 7 of schedule 1 of these Regulations as they applied before [date of CDP revocation],
- (b) has not had their entitlement transferred or otherwise become eligible for 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 paragraphs (3) and (4).

(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 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 by whichever is the later of the day—
 - (i) 26 weeks after the date referred to at sub-paragraph (a), or
 - (ii) 6 weeks after the day the required data is submitted,

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

(4) Subject to paragraph (5), where an application is made after the period described in paragraph (3)(b), the date on which entitlement begins is to be identified 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 an application was made after the period described in paragraph (3)(b), they may treat the application as having been made within that period.

(6) In this regulation, references to transfer to Child Disability Payment are to regulation 41 and Part 3 of the schedule to these Regulations, as they applied before [CIF date for CDP].”]

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

8.—(1) The Adult Disability Payment Regulations are amended in accordance with paragraphs (2) to (7).

(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(a)

(a) S.I. 1974/555.

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 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) 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”,

(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) 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”.

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

- (a) at the end of paragraph (c) omit “or”,
- (b) after paragraph (d), insert—

“or,

- (e) is an individual to whom regulation 52 or 52A applies.”.

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

(7) 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 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, the date on which entitlement begins is to be identified in accordance with paragraphs (3) and (4).

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

- (a) where the date of the move is before [CIF date] but the Scottish Ministers become aware that the individual has become resident in Scotland on or after [CIF date],
 - (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 [CIF date], and
 - (ii) an application is made by whichever is the later of the day—
 - (aa) 26 weeks after [CIF date], or

(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).

- (bb) 8 weeks after the day the required data is submitted,
- (b) where the date of the move is after [CIF date]—
 - (i) 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) an application is made by whichever is the later of the day—
 - (aa) 26 weeks after the date of the move, or
 - (bb) 8 weeks after the day the required data is submitted,

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

(4) Subject to paragraph (5), where an application is made after the period described in paragraph (3)(a)(ii) or (b)(ii), the date on which entitlement begins is to be identified 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 an application was made after the period described in paragraph (3)(a)(ii) or (b)(ii), they may treat the application as having been made within that period.

(6) The restrictions in paragraph (7) apply where 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 on the date of the move.

(7) The restrictions referred to in paragraph (6) are, where the previous award referred to in paragraph (1)(c)—

- (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 original 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 original award was given,
- (c) does not include an award of the mobility component, the Scottish Ministers may not award that component at either the lower or higher 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).”

(8) [After regulation 52 insert—

“Individuals in respect of whom Personal Independence Payment is paid after [CIF] date

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

- (a) immediately before [ADP CIF date]—
 - (i) was entitled to Personal Independence Payment, and
 - (ii) fell within the definition of a relevant individual in terms of paragraph 7 of schedule 2 of these Regulations as they applied before [CIF for ADP revocations],
- (b) has not had their entitlement transferred to or otherwise become eligible for 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 paragraphs (3) and (4).

(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 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 by whichever is the later of the day—
 - (i) 26 weeks after the date referred to at sub-paragraph (a), or
 - (ii) 8 weeks after the day the required data is submitted,

entitlement to Adult Disability Payment begins on the day after the day on which the individual’s entitlement to Personal Independence Payment ceased.

(4) Subject to paragraph (5), where an application is made after the period described in paragraph (3)(b), the date on which entitlement begins is to be identified 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 an application was made after the period described in paragraph (3), they may treat the application as having been made within that period.

(6) The restrictions in paragraph (7) apply where 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 on [CIF date].

(7) The restrictions referred to in paragraph (6) are, where the previous award referred to in paragraph (1)(c)—

- (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 original 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 original award was given,
- (c) does not include an award of the mobility component, the Scottish Ministers may not award that component at either the lower or higher rate.

(8) In this regulation, references to transfer to Adult Disability Payment are to regulation 60 and Part 3 of the schedule to these Regulations, as they applied before [CIF date for ADP revocations.]”

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

9.—(1) The Carer Support Payment Regulations are amended in accordance with paragraphs (2) to (7).

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

(a) after “on the basis of an application” insert “(other than where regulation 41 or 41A applies)”,

(b) at the end of paragraph (2)(b) omit “or”,

(c) at the end of head paragraph (2)(c) insert “or”,

(d) after paragraph (2)(c), insert—

“(d) where paragraph (3A) applies, on the day identified by the Scottish Ministers in accordance with that paragraph.”.

(e) after paragraph (3), insert—

“(3A) If, before making a determination on the basis of an application, the Scottish Ministers consider that the individual in respect of whom the application is made—

(a) would not satisfy an eligibility requirement set out in Part 3 of these Regulations if the application were treated as made on the day it was received, and

(b) would likely be entitled to receive Carer Support’s Assistance if those requirements were satisfied within a 13-week period beginning on the day it was received,

the Scottish Ministers may choose the date within that 13 week period on which the application is to be treated as made.”.

(6) 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—

(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).

“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 after [CIF date],
- (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, entitlement to assistance is to begin in accordance with paragraphs (3) to (5).

(3) Where the date of the move is before [CIF date] but the Scottish Ministers become aware that the individual has become resident in Scotland on or after [CIF date]—

- (a) where an 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) within 26 weeks of the [CIF date]—
 - (i) entitlement to Carer Support Payment begins on the day after the day on which the individual’s entitlement to Carer’s Allowance ceased,
 - (ii) entitlement to Scottish Carer Supplement begins on the date of the move,
- (iii) where the individual is entitled to Carer Additional Person Payment their entitlement begins—
 - (aa) on the date of the move on provided that the individual satisfied the eligibility requirements set out in Part 3 of these Regulations on that date, or
 - (bb) where the individual does not satisfy the eligibility requirements set out in Part 3 of these Regulations on the date of the move, on the first day after the date of the move on which the individual satisfies the eligibility requirements on that later date,
- (b) subject to paragraph 5, where an application is treated as made in accordance with regulation 18(1) more than 26 weeks after [CIF date], regulation 18 (when an application is to be treated as made and beginning of entitlement to assistance) applies.

(4) Where the date of the move is after [CIF date]—

- (a) where an 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) within 26 weeks of the date of the move—
 - (i) entitlement to Carer Support Payment begins on the day after the day on which the individual’s entitlement to Carer’s Allowance ceased,
 - (ii) entitlement to Scottish Carer Supplement begins on the date of the move,
- (iii) where the individual is entitled to Carer Additional Person Payment their entitlement begins—
 - (aa) on the date of the move on provided that the individual satisfied the eligibility requirements set out in Part 3 of these Regulations on that date, or
 - (bb) where the individual does not satisfy the eligibility requirements set out in Part 3 of these Regulations on the date of the move, on the first day after the date of the move on which the individual satisfies the eligibility requirements on that later date,
- (b) subject to paragraph 5, where an application is treated as made in accordance with regulation 18(1) more than 26 weeks after the date of move, regulation 18 (when

an application is to be treated as made and beginning of entitlement to assistance) applies.

(5) Where the Scottish Ministers are satisfied that there is a good reason why an application was made after the period described in paragraph (3)(b) or (4)(b), they may treat the application as having been made within that period.

(6) For the purposes of paragraphs (3) and (4), where the Scottish Ministers make a determination under paragraph (1), the effect of which is that an individual's entitlement is to Scottish Carer Supplement or Carer Additional Person Payment would begin before the entitlement to Carer Support Payment, any payments of Carer's Allowance made in respect of that period are to be treated as though they were payments of Carer Support Payment.

(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).

(8) For the purposes of paragraphs (3) and (4), where an individual is to be entitled to Scottish Carer Supplement or Carer Additional Person Payment for a period during which they have also been entitled to Carer Allowance, regulation 12(1) is treated as omitted."

(7) After regulation 41 insert—

“ Individuals in respect of whom Carer's Allowance is paid after [CIF date]

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

- (a) immediately before [date CSP revocations come into force]—
 - (i) was entitled to Carer's Allowance, and
 - (ii) fell within the definition of a relevant individual in terms of paragraph 3 of schedule 1 of these Regulations as they applied before [date of CSP revocation],
- (b) has not had their entitlement transferred or otherwise become eligible for Carer Support, 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, entitlement to assistance is to begin in accordance with paragraphs (3) to (5).

(3) Where an 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) within 26 weeks of the date on which the individual's entitlement to Carer's Allowance ceased—

- (a) entitlement to Carer Support Payment begins on the day after the day on which the individual's entitlement to Carer's Allowance ceased, and
- (b) entitlement to Scottish Carer Supplement begins on the day 13 weeks before the end of the individual's entitlement to Carer's Allowance,
- (c) where the individual is entitled to Carer Additional Person Payment their entitlement begins on—
 - (i) on the day 13 weeks before the end of the individual's entitlement to Carer's Allowance provided the individual satisfied the eligibility requirements set out in Part 3 of these Regulations,
 - (ii) where the individual does not satisfy the eligibility requirements set out in Part 3 of these Regulations on the day 13 weeks before the end of the individual's entitlement to Carer's Allowance, on the first day after that date on which the individual satisfies the eligibility requirements on that later date.

(4) Subject to paragraph (5), where an application is treated as made in accordance with regulation 18(1) more than 26 weeks from the date on which the individual's entitlement to

Carer's Allowance ceased, regulation 18 (when an application is to be treated as made and beginning of entitlement to assistance) applies.

(5) Where the Scottish Ministers are satisfied that there is a good reason why an application was made after the period described in paragraph (4), they may treat the application as having been made within that period.

(6) For the purposes of paragraphs (3) and (4), where the Scottish Ministers make a determination under paragraph (1), the effect of which is that an individual's entitlement is to Scottish Carer Supplement or Carer Additional Person Payment would begin before the entitlement to Carer Support Payment, any payments of Carer's Allowance made in respect of that period are to be treated as though they were payments of Carer Support Payment.

(7) For the purposes of paragraphs (3) and (4), where an individual is to be entitled to Scottish Carer Supplement or Carer Additional Person Payment for a period during which they have also been entitled to Carer Allowance regulation 12(1) is treated as omitted."

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

10.—(1) The Pension Age Disability Payment Regulations are amended in accordance with paragraphs (2) to (7).

(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 13 (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"

(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 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"

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

(6) 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—

(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).

“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
- (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 paragraphs (3) and (4).

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

- (a) where the date of the move is before [CIF date] but the Scottish Ministers become aware that the individual has become resident in Scotland on or after [CIF date],
 - (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 [CIF date], and
 - (ii) an application is made by whichever is the later of the day—
 - (aa) 26 weeks after [CIF date], or
 - (bb) 6 weeks after the day the required data is submitted,
- (b) where the date of the move is after [CIF date]—
 - (i) 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) an application is made by whichever is the later of the day—
 - (aa) 26 weeks after the date of the move, or
 - (bb) 8 weeks after the day the required data is submitted,

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

(4) Subject to paragraph (5), where an application is made after the period described in paragraph (3)(a)(ii) or (b)(ii), the date on which entitlement begins is to be identified 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 an application was made after the period described in paragraph (3)(a)(ii) or (b)(ii), they may treat 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).”

(7) [After regulation 44 insert—

“Individuals in respect of whom Attendance Allowance is paid after [CIF date]

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

- (a) immediately before [date PADP revocations come into force]—
 - (i) was entitled to Attendance Allowance, and
 - (ii) fell within the definition of a relevant individual in terms of paragraph 7 of the schedule of these Regulations as they applied before [date of PADP revocation],

- (b) has not had their entitlement transferred or otherwise become eligible for Attendance Allowance, 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 paragraphs (3) and (4).

(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 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 by whichever is the later of the day—
 - (i) 26 weeks after the date referred to at sub-paragraph (a), or
 - (ii) 8 weeks after the day the required data is submitted,

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

(4) Subject to paragraph (5), where an application is made after the period described in paragraph (3)(b), the date on which entitlement begins is to be identified 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 an application was made after the period described in paragraph (3)(b), they may treat the application as having been made within that period.

(6) In this regulation, references to transfer to Pension Age Disability Payment are to regulation 49 and Part 3 of the schedule to these Regulations, as they applied before [CIF date for PADP.]

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

11.—(1) The Scottish Adult Disability Living Allowance Regulations are amended in accordance with paragraphs (2) to (6).

(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),”

(3) 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 an individual—

- (a) becomes resident in Scotland,
- (b) was resident in another part of the United Kingdom, and
- (c) was entitled to Disability Living Allowance immediately before the date of the move.

(2) Where an individual to whom paragraph (1) applies makes a request for a determination of their entitlement to Scottish Adult Disability Living Allowance, the

Scottish Ministers must make a determination of that individual's entitlement without receiving an application.

- (3) A request under paragraph (2) must be—
- (a) made to the Scottish Ministers in such form, and
 - (b) accompanied by such evidence,

as the Scottish Ministers require.

(4) Entitlement to Scottish Adult Disability Living Allowance begins on the day after the day on which the individual's entitlement to Disability Living Allowance ceased where—

- (a) where the date of the move is before [CIF date] but the Scottish Ministers become aware that the individual has become resident in Scotland on or after [CIF date]—
 - (i) the name and date of birth of the individual (“the required data”) is submitted by, or on behalf of, the individual to the Scottish Ministers for the purpose of a request for a determination of their entitlement to Scottish Adult Disability Living Allowance within 26 weeks of [CIF date], and
 - (ii) a request meeting the requirements under paragraph (3) is received by Scottish Ministers by whichever is the later of the day—
 - (aa) 26 weeks after [CIF date], or
 - (bb) 8 weeks after the day the required data is submitted,
- (b) where the date of the move is after [CIF] date—
 - (i) the required data is submitted by, or on behalf of, the individual to the Scottish Ministers for the purpose of a request for a determination of their entitlement to Scottish Adult Disability Living Allowance within 26 weeks of the date of the move, and
 - (ii) a request meeting the requirements under paragraph (3) is received by Scottish Ministers by whichever is the later of the day—
 - (aa) 26 weeks after the date of the move, or
 - (bb) 8 weeks after the day the required data is submitted.

(5) Subject to paragraph (6), where paragraph (4) does not apply, paragraph 13 of schedule 1 (request for Scottish Adult Disability Living Allowance when an award of Disability Living Allowance has ended) applies.

(6) Where the Scottish Ministers are satisfied that there is a good reason why the request was made after the period described in paragraph (4)(a)(ii) or (b)(ii), they may treat the request as having been made within that period.

(7) The restrictions in paragraph (8) apply to the determination referred to at paragraph (2) where the individual has reached the relevant age on the date of the move.

(8) The restrictions referred to in paragraph (7) are, where the previous award referred to in paragraph (1)(c)—

- (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 original 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 original award was given,
- (c) does not include an award of the mobility component, the Scottish Ministers may not award that component at either the lower or higher rate.

(9) 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).”.

(4) After regulation 47 insert—

“Individuals in respect of whom Disability Living Allowance is paid after [CIF date]

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

- (a) immediately before [date SADLA revocation provisions come into force]—
 - (i) was entitled to Disability Living Allowance, and
 - (ii) fell within the definition of a relevant individual in terms of paragraph 5 of the schedule of these Regulations as they applied before [date of SADLA revocation],
- (b) has not had their entitlement transferred or otherwise become eligible for Scottish Adult Disability Living Allowance, and
- (c) is not a person to whom regulation 47(1) applies.

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

(3) A request under paragraph (2) must be—

- (a) made to the Scottish Ministers in such form, and
- (b) accompanied by such evidence,

as the Scottish Ministers require.

(4) Entitlement to Scottish Adult Disability Living Allowance begins on the day after the day on which the individual’s entitlement to Disability Living Allowance ceased where—

- (a) the name and date of birth of the individual (“the required data”) is submitted by, or on behalf of, the individual to the Scottish Ministers for the purpose of request for a determination of their entitlement to Scottish Adult Disability Living Allowance within 26 weeks of the date Scottish Ministers become aware that the original award was not transferred to an entitlement to Scottish Adult Disability Living Allowance, and
- (b) a request meeting the requirements under paragraph (3) is received by Scottish Ministers by whichever is the later of the day—
 - (i) 26 weeks after the date referred to in sub-paragraph (a), or
 - (ii) 8 weeks after the day the required data is submitted.

(5) Subject to paragraph (6), paragraph 13 of schedule 1 (request for Scottish Adult Disability Living Allowance when an award of Disability Living Allowance has ended) applies where paragraph (4) does not apply.

(6) Where the Scottish Ministers are satisfied that there is a good reason why the request was made after the period described in paragraph (4), they may treat the request as having been made within that period.

(7) The restrictions in paragraph (8) apply to the determination referred to at paragraph (2) where the individual has reached the relevant age on [CIF date].

(8) The restrictions referred to in paragraph (7) are where the previous award referred to in paragraph (1)(c)—

- (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 original 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 original award was given,
 - (c) does not include an award of the mobility component, the Scottish Ministers may not award that component at either the lower or higher rate.”.
- (5) In paragraph 13 (request for Scottish Adult Disability Allowance when an award of Disability Living Allowance has ended) of the schedule, after subparagraph (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) applies.”]
- (6) At paragraph 1(1)(a)(ii)(dd) of the schedule (entitlement to short-term assistance), delete the words “without application”.

PART 3

Revocations and savings

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

12.—(1) Except where paragraph (2) or (3) applies, the following provisions of the Child Disability Payment Regulations are revoked—

- (a) regulation 31(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)(cc) of the schedule (entitlement to short-term assistance),
- (g) part 2 of the schedule, and
- (h) part 3 of the schedule.

(2) Regulation 41 and part 3 of the schedule of the Child Disability Payment Regulations continue to have effect on and after [date CDP revocations come into force] for any individual on whom, prior to [date CDP revocations come into force], 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) Despite the revocations at paragraph (1), and substitutions by regulation 7(6), where, prior to [date CDP revocations come into force]—

- (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 at paragraph (4) apply as they did prior to [date CDP revocations come into force].

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

- (a) regulation 31(d),
- (b) regulation 35, and

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

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

13.—(1) Except where paragraph (2) or (3) apply, the following provisions of the Adult Disability Payment Regulations are revoked—

- (a) regulation 48(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)(cc) of schedule 2 (entitlement to short-term assistance),
- (g) Part 2 of schedule 2, and
- (h) Part 3 of schedule 2.

(2) Regulation 60 and Part 3 of schedule 2 of the Adult Disability Payment Regulations continue to have effect on and after [date ADP revocations come into force] for any individual on whom, prior to [date ADP revocations come into force], 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) Despite the revocations at paragraph (1), and substitutions by regulation 8(7), where, prior to [date ADP revocations come into force]—

- (a) an individual becomes resident in Scotland, and
- (b) the Scottish Ministers become aware that the individual has become resident in Scotland,

the provisions at paragraph (4) as they did prior to [date ADP revocations come into force].

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

- (a) regulation 48(d),
- (b) regulation 52, and
- (c) paragraph 1(1)(a)(ii)(cc) of schedule 2.

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

14.—(1) Except where paragraph (2) or (3) apply, the following provisions of the Carer Support Payment Regulations are revoked—

- (a) regulation 36(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, and
- (g) Part 2 of schedule 1.

(2) Regulation 44 and part 2 of schedule 1 to the Carer Support Payment Regulations continue to have effect on and after [date CSP revocations come into force] for any individual on whom, prior to [date CSP revocations come into force], the Scottish Ministers have served a notice of intention to transfer to Carer Support Payment under paragraph 4 of the schedule to those Regulations.

(3) Despite the revocations at paragraph (1), and substitutions by regulation 9(6), where, prior to [date CSP provisions come into force]—

- (a) an individual becomes resident in Scotland, and
- (b) the Scottish Ministers become aware that the individual has become resident in Scotland,

the provisions at paragraph (4) apply as they did prior to [date CSP revocations come into force].

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

- (a) regulation 36(g), and
- (b) regulation 44.

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

15.—(1) Except where paragraph (2) or (3) apply, the following provisions of the Pension Age Disability Payment Regulations are revoked—

- (a) regulation 40(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)(cc) of the schedule (entitlement to short-term assistance),
- (g) Part 2 of the schedule, and
- (h) Part 3 of the schedule.

(2) Regulation 49 and part 3 of the schedule to the Pension Age Disability Payment Regulations continue to have effect on and after [date PADP revocations come into force] for any individual on whom, prior to [date PADP revocations come into force], the Scottish Ministers have served a notice of intention to transfer to Pension Age Disability Payment under paragraph 8 of the schedule to those regulations.

(3) Despite the revocations at paragraph (1), and substitutions by regulation 10(6), where, prior to [date PADP revocations come into force]—

- (a) an individual becomes resident in Scotland, and
- (b) the Scottish Ministers become aware that the individual has become resident in Scotland,

the provisions at paragraph (4) apply as they did prior to [date PADP revocations come into force].

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

- (a) regulation 40(d),
- (b) regulation 44,
- (c) paragraph 1(1)(a)(ii)(cc) of the schedule.

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

16.—(1) Except where paragraph (2) or (3) apply, the following provisions of the Scottish Adult Disability Living Allowance Regulations are revoked—

- (a) regulation 43(d) (determination following change of circumstances etc.),
- (b) regulation 53 (transfer from Disability Living Allowance to Scottish Adult Disability Living Allowance), and
- (c) Part 2 of the schedule.

(2) Regulation 53 and part 2 of the schedule to the Scottish Adult Disability Living Allowance Regulations continue to have effect on and after [date SADLA revocations come into force] for

any individual on whom, prior to [date SADLA revocations come into force], the Scottish Ministers have served a notice of intention to transfer to Scottish Adult Disability Living Allowance under paragraph 6 of the schedule to those Regulations.

(3) Despite the revocations at paragraph (1), and substitution by regulation 11(3), where, prior to [date SADLA revocations come into force]—

- (a) an individual becomes resident in Scotland, and
- (b) the Scottish Ministers become aware that the individual has become resident in Scotland,

the provisions at paragraph (4) apply as they did prior to [date SADLA revocations come into force).

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

- (a) regulation 4,
- (b) regulation 43(d), and
- (c) regulation 47.]

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