

13-21: Consequential Amendments to Social Security Legislation due to Introduction of Child Disability Payment (CDP)

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Introduction

1. This memo gives guidance on the application of The Scotland Act 2016 (Social Security) (Consequential Provision) (Miscellaneous Amendment) Regulations 2021, [Scotland Act 2016 (SS)(CP) (Misc Amdts) Regs 2021], SI 2021 No 804. The Regulations come into force on 26.7.21¹.

1 [Scotland Act 2016 \(SS\)\(CP\) \(Misc Amdts\) Regs 2021](#)

Background

2. The Scottish Government (SG) is due to introduce Child Disability Payment (CDP), its replacement benefit for Disability Living Allowance (DLA) for children, from July 2021.

The purpose of these amendments is to ensure, they will–

1. Prevent payment of PIP if CDP is in payment.
2. In cases of cross-border movement from Scotland to another part of the UK, PIP will start where entitlement is assessed and confirmed, after the 13-week CDP run-on payment from the SG has ended.
3. Allow claimants who have been granted an appointee in Scotland to be granted the same appointee in England and Wales without fresh application.

Prevent Payment of PIP

3. Legislation¹ provides that a person shall not be entitled to PIP while they are entitled to CDP in order to prevent duplicate payment of the two benefits.

Cross Border Movement from Scotland to UK

4. A claimant who is a recipient of CDP and who subsequently moves from Scotland to another part of the UK, retains entitlement to CDP for a period of 13 weeks beginning with the date of the move from Scotland¹. In that circumstance they are to be treated as habitually resident in Scotland for that period of 13 weeks and not habitually resident in the UK, the Republic of Ireland, the Isle of Man or the Channel Islands².

1 Disability Assistance for Children and Young People (Scotland) Regs 2021, reg 36(1)

2 SS (PIP) Regs, reg 23ZA

Claimants granted appointee in Scotland

5. Where in Scotland a person over the age of 18 has been appointed by Social Security Scotland under a qualifying appointment¹ to act for a claimant who cannot manage their own affairs because they are mentally and/or physically disabled, the DM can accept the same appointee without a fresh application, if the person agrees².

1 UC, PIP, JSA & ESA (C&P) Regs, reg 57(1B); 2 Reg (1A)

Annotations

This memo should be annotated against the following ADM paragraph: [A2138](#)

Contacts

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [7/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: August 2021