

# DMG Memo 2-22 Changes to AA and DLA - Introduction of Adult Disability Payment

Contents	Paragraph
Introduction	1
Changes	2 - 3
Preventing payment of Attendance Allowance (AA)	4
Preventing payment of Disability Living Allowance (DLA)	5
Cross border movement from Scotland to another part of the UK	6 - 7
Annotations	

## INTRODUCTION

1. This memo gives guidance on [The Scotland Act 2016 \(Social Security\) \(Adult Disability Payment and Child Disability Payment\) \(Amendment\) Regulations 2022](#), which come into force on 21. 03. 22<sup>1</sup>.

*1 Scotland Act 2016 (SS) (ADP and CDP) (Amdts) Regs 2022; SI 2021 No.335*

## CHANGES

2. The Scottish Government (SG) is due to introduce Adult Disability Payment (ADP)<sup>1</sup> from March 2022. This is to replace PIP for working age adults resident in Scotland.

[1 DAWAP\(S\)Regs 2022](#)

3. The changes

**1.** prevent payment of AA and DLA if ADP is in payment **and**

**2.** in cases of cross-border movement from Scotland to another part of the UK, for a claimant who has reached state pension age where they make a claim for AA, this will start where entitlement is assessed and confirmed, after the 13 week ADP run-on payment has ended.

## PREVENTING PAYMENT OF AA

4. The legislation provides that a person shall not be entitled to AA while they are entitled to ADP in order to prevent duplicate payment of the two benefits<sup>1</sup>. As a result, ADP will be listed as an incompatible benefit with AA under appendix 1 of DMG paragraph [17005](#).

*1 Social Security Contributions and Benefits Act 1992 s 64(1A)(aa)*

## PREVENTING PAYMENT OF DLA

5. The legislation provides that a person shall not be entitled to DLA while they are entitled to ADP in order to prevent duplicate payment of the two benefits<sup>1</sup>. As a result, ADP will be listed as an incompatible benefit with DLA under appendix 1 of DMG paragraph [17005](#).

*1 Social Security Contributions and Benefits Act 1992 s 71(7)*

## CROSS BORDER MOVEMENT FROM SCOTLAND TO ANOTHER PART OF THE UK

6. A claimant who

- 1.** is a recipient of ADP **and**
- 2.** subsequently moves from Scotland to another part of the UK

retains entitlement to ADP for a period of 13 weeks beginning with the date of the move from Scotland<sup>1</sup>.

*1 Disability Assistance for Working Age People (Scotland) Regulations 2022, reg 53(1)*

7. If the circumstances in paragraph 6 apply, claimants are to be treated as

- 1.** ordinarily resident in Scotland **and**
- 2.** not habitually resident in the United Kingdom, the Republic of Ireland, the Isle of Man or the Channel Islands

for that period of 13 weeks<sup>1</sup>.

*1 SS (AA) Regs 1991, reg2 (1ZA), SS (DLA) Regs 1991, reg2 (1ZB)*

## ANNOTATIONS

This memo 2-22 should be annotated against the following DMG paragraph: [Appendix 1 of DMG 17005](#)

## 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 [4/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: March 2022
-----------------------

The content of the examples in this document (including use of imagery) is for illustrative purposes only