

# 06-25: UC, PIP, JSA & ESA (New Style) - The Social Security (Scotland) Act 2018 (Disability Assistance) (Consequential Amendments) Order 2025

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## INTRODUCTION

1. The purpose of this memo is to give guidance to decision makers (DM) on The Social Security (Scotland) Act 2018 (Disability Assistance) (Consequential Amendments) Order 2025<sup>1</sup>. The amendments will come into force on 21.3.25.

*1 [SI 2025 No. 227](#)*

## BACKGROUND

2. This order<sup>1</sup> makes changes to social security legislation to reflect the introduction by the Scottish Government (SG) of the Scottish Adult Disability Living Allowance (SADLA). SADLA will

- 1.** replace DLA for current DLA claimants who are over the age of 18 and are resident in Scotland **and**
- 2.** operate broadly the same way as DLA so those in receipt will have the same access to additional amounts and exemptions in reserved benefits as those in receipt of DLA.

*1 [SS \(Scot\) Act 2018 \(DA\)\(Consq Amdts\) Order 2025](#)*

## PERSONAL INDEPENDENCE PAYMENT

### Prescribed date

3. From 21.3.25 where a claimant who was previously in receipt of an SADLA award

- 1.** makes a new PIP claim **and**
- 2.** that previous award of SADLA ended no more than 2 years before the date on which the new PIP claim is made **and**
- 3.** the claimant has not been entitled to PIP on any day since the end of the award of SADLA **and**
- 4.** the claimant was 64 years old or younger on 8.4.13

then the prescribed date<sup>1</sup> for the 3-month part of the required period condition is the end of the previous SADLA award, and the 9-month part is the date the new PIP claim is made. This means that the 3-month

part will be considered in relation to the previous SADLA award and does not need to be re-satisfied for the new PIP claim.

**Note:** Where the claimant has reached the relevant age then 2 years in **2**. Above is to be read as 1 year.<sup>2</sup>

*1 [SS \(PIP\) Regs 2013, reg 15B](#); 2 [reg 26A](#)*

4. Where the claimant makes the PIP claim during the 13-week period provided for in Scottish legislation<sup>1</sup> the previous award of SADLA is to be treated as having ended immediately before the claimant made the new claim.<sup>2</sup>

*1 [DA\(SADLA\) Regs 2025, reg 48](#); 2 [SS \(PIP\) Regs, Reg 15B\(6\)](#)*

### **Prescribed date after an award of CDP**

5. ADM P1035 gives guidance on the prescribed date in respect of a PIP claim after an award of CDP. From 21.3.25 where the claimant makes the PIP claim during the 13-week period provided for in Scottish legislation<sup>1</sup> the previous award of CDP is to be treated as having ended immediately before the claimant made the new claim.<sup>2</sup>

*1 [Disability Assistance for Children and Young People \(Scotland\) Regulations 2021, reg 36](#); 2 [SS \(PIP\) Regs, reg 15A\(5\)](#)*

## **UNIVERSAL CREDIT**

### **Exceptions to the requirement not to be receiving education**

6. SADLA is inserted into the exceptions to the requirement not to be receiving education at regulation 14(1)(b)<sup>1</sup>.

*1 [UC Regs 2013, reg 14\(1\)\(b\)](#)*

### **Rate of disabled child addition**

7. When considering whether an additional amount is payable in respect of a child or QYP who is disabled, SADLA is added to the list of benefits that child or QYP can be entitled to.<sup>1</sup>

*1 [UC Regs, reg 24\(2\)](#)*

### **Housing cost element**

8. A claimant is to be treated as occupying as their home the accommodation they normally occupy and any entitlement to a HCE is usually for that accommodation only. However, in circumstances where a claimant is delayed in moving homes due to adaptations being made to the new home to meet disability

needs a HCE can be paid in respect of two homes for up to a month.

9. SADLA is added to the list of qualifying benefits paid to

**1.** the claimant **or**

**2.** any child or QYP for whom the claimant is responsible

for whom adaptations are being made to a new home to meet their needs<sup>1</sup>.

*1 [UC Regs, Sch 3, para 5\(3\)\(b\)](#)*

10. When calculating the amount of the HCE for a renter a determination must be made as to the size of the home it is reasonable for the renter to occupy<sup>1</sup>. SADLA is added to the list of qualifying benefits when considering whether the claimant is entitled to an additional room either because they satisfy the overnight care condition<sup>2</sup>, or because they are unable to share a bedroom.<sup>3</sup>

*1 [UC Regs, Sch 4, para 10](#) 2 [para 12\(3\)](#) 3 [para 12\(6A\)](#)*

11. When considering whether a renter is exempt from a housing cost contribution (HCC) deduction, SADLA is added to the list of qualifying benefits the renter may be in receipt of.<sup>1</sup>

*1 [UC Regs, Sch 4, para 15\(2\)](#)*

12. SADLA is added to the list of qualifying benefits a renter's non-dependants may be in receipt of to exempt a renter from an HCC deduction<sup>1</sup>.

*1 [UC Regs, Sch 4, para 16\(2\)](#)*

13. When considering those claimants exempted from the shared accommodation rate (SAR), SADLA is added to the list of qualifying benefits<sup>1</sup>.

*1 [UC Regs, Sch 4, para 29\(5\)](#)*

### **Limited capability for work**

14. A pensioner on a UC claim with someone under State Pension age, i.e. in a mixed-age couple, is treated as having LCW when entitled to certain disability benefits. SADLA is now added to this list of disability benefits<sup>1</sup>. (See ADM [G2080](#)).

*1 [UC Regs, Paragraph 6 to Schedule 8](#)*

### **Limited capability for work and work-related activity**

15. A pensioner on a UC claim with someone under State Pension age, i.e. in a mixed-age couple, is

treated as having LCWRA when entitled to certain disability benefits at certain rates. SADLA, at the highest rate, is added to the list of disability benefits from 21.3.25<sup>1</sup>. (See ADM [G3030](#)).

*1 [UC Regs, Paragraph 5 to Schedule 9](#)*

### **When is a work capability assessment not carried out**

16. A WCA cannot take place where the claimant has monthly earnings which are equal to or exceed the relevant threshold. An exception to this is where the claimant is entitled to certain disability benefits. SADLA is added to this list of benefits.<sup>1</sup>

*1 [UC Regs 2013, Reg 41\(2\)](#)*

## **NEW STYLE EMPLOYMENT AND SUPPORT ALLOWANCE**

### **Persons in hardship for ESA purposes**

17. ADM U6038 gives guidance on when a person is “a person in hardship’ for ESA purposes<sup>1</sup>. From 21.3.25 the care component of SADLA awarded at the highest or middle rate in accordance with relevant legislation<sup>2</sup> is added to the list of qualifying benefits at U6038 **1.**, **2.** **3.** and **4.**<sup>3</sup>

**Note:** The meaning of SADLA has the meaning given in relevant legislation<sup>4</sup>.

*1 [ESA Regs 2013, reg 94](#); 2 [DA\(SADLA\) Regs 2025, reg 6\(4\)](#); 3 [SS\(Scot\) Act 2018 \(DA\)\(Consq Amdts\) Order 2025](#); 4 [DA\(SADLA\) Regs 2025, reg 2](#)*

## **NEW STYLE JOBSEEKERS ALLOWANCE**

### **Carers and specified occupations**

18. When considering whether a NSJSA claimant is in remunerative work where they are a carer<sup>1</sup> (see [R2252](#)), SADLA<sup>2</sup> is added to the list of qualifying benefits from 21.3.25. See [Chapter R2](#) (JSA conditions of entitlement) for further guidance.

*1 [JSA Regs 13, reg 42\(3\)\(c\)\(ii\)](#); 2 [DA\(SADLA\) Regs 2025](#)*

## **REVISION AND SUPERSESSION**

### **Definition of ‘Scottish disability benefit’**

19. The definition of ‘Scottish Disability Benefit’ for revision and supersession purposes<sup>1</sup> has been amended so that it now includes SADLA. See further guidance at paragraphs 20 to 22.

*1 [UC, PIP, JSA & ESA \(D&A\) Regs, reg 2](#)*

## Revising decisions on linked benefits

20. Where the

- 1.** claimant has been awarded ESA, JSA, PIP or UC **and**
- 2.** claimant or a member of the UC family is awarded SADLA **and**
- 3.** first day of the award of SADLA falls on or before the first day of the award of the ESA, JSA or UC

the award of ESA, JSA, PIP or UC can be revised.<sup>1</sup>

*1 UC, PIP, JSA & ESA (D&A) Regs, [reg 12](#)*

## Superseding decisions on linked relevant benefits

21. Where

- 1.** the claimant has been awarded PIP or UC **and**
- 2.** the claimant or a member of the UC family for benefit purposes becomes entitled to SADLA or their SADLA increases, decreases or ceases **and**
- 3.** during the award alteration or cessation of SADLA is a relevant change of circumstances for PIP or UC purposes

the supersession for the change of circumstances takes effect from the date in paragraph 22.<sup>1</sup>

*1 UC, PIP, JSA & ESA (D&A) Reg; [sch 1, para 31\(1\)](#)*

22. Where the superseding decision

- 1.** concerns UC, it takes effect from the first day of the AP in which
  - 1.1** entitlement to SADLA begins **or**
  - 1.2** entitlement to SADLA ends **or**
  - 1.3** entitlement to a different rate of SADLA begins<sup>1</sup> **or**
- 2.** concerns PIP, it takes effect from the date on which
  - 2.1** entitlement to SADLA begins **or**
  - 2.2** entitlement to SADLA ends **or**

**2.3** entitlement to a different rate of SADLA begins<sup>2</sup>.

1 UC, PIP, JSA & ESA (D&A) Reg [sch 1, para 31\(2\)\(a\)](#) 2 [para 31\(2\)\(b\)](#)

## **ANNOTATIONS**

The number of this memo should be annotated against the following ADM paragraphs; [P1033](#), [P1034](#), [P1035](#), [P4080](#), [H6041](#), [A3122](#), [A4354](#), [A4361](#), [U6038](#), [F1121](#), [F1122](#), [F2183](#), [F3132](#), [F3136](#), [F3150](#), [F3151](#), [F3235](#), [G2080](#), [G3030](#), [G3005](#), [G1032](#), [R2252](#).

## **CONTACTS**

If you have any queries about this memo, contact Decision Making and Appeals (DMA) Leeds, 3rd floor South, zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, [Requesting case guidance from DMA Leeds for all benefits](#)

DMA Leeds: April 2025

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