

# 06-25: Legacy Benefits and State Pension Credit - 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](#)*

## DISABILITY LIVING ALLOWANCE

### Residence and presence conditions

3. DMG 071705 gives guidance on the prescribed conditions of residence and presence under UK legislation<sup>1</sup>. From 21.3.25, where a claimant who is entitled to SADLA has moved or is due to move to become resident in another part of the United Kingdom, they are treated for the period set out in regulations<sup>2</sup> as though they are not habitually resident in the United Kingdom, the Republic of Ireland, the Isle of Man or the Channel Islands.<sup>3</sup>

*1 [SS CB Act 92, s 71\(6\)](#); [SS \(DLA\) Regs, reg 2\(1\)](#). 2 [DA\(SADLA\) Regs 2025, reg 48\(1\)](#) 3 [SS\(Scot\) Act 2018 \(DA\)\(Consq Amdts\) Order 2025 reg 3\(3\)](#); [SS \(DLA\) Regs, reg 2\(1ZC\)](#)*

## Qualifying period for DLA care component

4. DMG 61461 gives guidance on when a person is entitled to the DLA care component.<sup>1</sup> From 21.3.25, the care component of SADLA is added to the list of qualifying benefits in DMG 61461 **1.2**<sup>2</sup>

*[1 SS \(DLA\) Regs, Reg 6\(1\)](#) [2 SS\(Scot\) Act 2018 \(DA\)\(Consq Amdts\) Order 2025 reg 3\(4\)](#)*

## Qualifying period for DLA mobility component

5. DMG 61466 gives guidance on when a person is entitled to the DLA mobility component.<sup>1</sup> From 21.3.25 the mobility component of SADLA is added to the list of qualifying benefits in DMG 61466 **1.2.a** and **1.2.b**<sup>2</sup>.

*[1 SS \(DLA\) Regs, Reg 11](#) [2 SS\(Scot\) Act 2018 \(DA\)\(Consq Amdts\) Order 2025 reg 3\(5\)](#)*

## DLA – People of pensionable age

6. DMG 61568 gives guidance on revision or supersession or a renewal claim, if the highest or middle rate DLA care component had been payable, a person may receive either the highest or the middle rate provided that the appropriate disability conditions at DMG61462 and DMG61468 are satisfied<sup>1</sup>. From 21.3.25 the care component of SADLA is added to the list of benefits in DMG 61568<sup>2</sup>.

*[1 SS \(DLA\) Regs, reg 3; Sch 1 para 3\(2\) & 3 \(3\)\(a\)](#) [2 SS\(Scot\) Act 2018 \(DA\)\(Consq Amdts\) Order 2025 reg 3\(6\)](#)*

7. DMG 61581 gives guidance on when a person is entitled to the DLA mobility component on their previous claim<sup>1</sup>. From 21.3.25 the mobility component of SADLA is added to the list of benefits in DMG 61581<sup>2</sup>.

*[1 SS \(DLA\) Regs, Reg 3; Sch 1 para \(5\)\(1\) & \(2\)](#) [2 SS\(Scot\) Act 2018 \(DA\)\(Consq Amdts\) Order 202, reg 3\(6\)](#)  
(c)*

8. DMG 61583 gives guidance on when a person is entitled to the lower rate of the mobility component, which can be awarded on a renewal claim or where a decision is revised or superseded only where people were entitled to the DLA mobility component at the lower rate<sup>1</sup>. From 21.3.25 the mobility component of SADLA is added to the list of benefits in DMG 61583<sup>2</sup>.

*[1 SS \(DLA\) Regs, reg 3; Sch 1, para 5\(3\)\(a\) & 6\(1\)](#) [2 SS\(Scot\) Act 2018 \(DA\)\(Consq Amdts\) Order 2025, reg 3\(6\)\(e\)](#)*

9. DMG 61584 gives guidance on when a person is entitled to a DLA mobility component on their previous claim or before the revision or supersession can be entitled to the DLA care component at the highest or middle rate if they develop care needs and satisfy the care conditions<sup>1</sup>. From 21.3.25, the mobility component of SADLA is added to the list of benefits in DMG 61584<sup>2</sup>.

*1 SS (DLA) Regs, reg 3; Sch 1, para 5(3)(a) & 6(1) & 7(1) 2 SS(Scot) Act 2018 (DA)(Consq Amdts) Order 2025, reg 3(6)(f)*

10. DMG 61558 gives guidance on a renewal claim from people over pensionable age<sup>1</sup>. From 21.3.25 the care component of SADLA is added to the list of benefits in DMG 61558 **1**.<sup>2</sup>

*1 SS (DLA) Regs, reg 3; Sch 1 para 3(3)(a) 2 SS(Scot) Act 2018 (DA)(Consq Amdts) Order 2025, reg 3(6)(b)*

## CARERS ALLOWANCE

### Temporary Absences from GB

11. DMG 071736 provides guidance on when a CA claimant shall be treated as present in GB. From 21.3.25, the care component of SADLA at the highest or middle rate is added to the list of benefits in DMG 071736 **2.2**.<sup>1</sup>

*1 SS (ICA) Regs, reg 9(2)(b)*

## JOBSEEKERS ALLOWANCE

### Vulnerable group for JSA hardship purposes

12. DMG 35106 gives guidance on the conditions for being treated as a member of a vulnerable group for JSA hardship purposes<sup>1</sup>. From 21.3.25 the list at DMG 35106 **2**. includes those who

**1.** care for a person **and**

**2.** have been awarded the care component of SADLA at the highest or middle rate in accordance with relevant legislation<sup>2</sup>.

*1 JSA Regs, reg 140(1)(h) & reg 146A (1)(c); SS(Scot) Act 2018 (DA)(Consq Amdts) Order 2025, reg 2 2 DA (SADLA) Regs 2025, reg 6(4)*

### Premiums for JSA

13. When considering whether a claimant is entitled to any premiums<sup>1</sup>, SADLA is added to the list of qualifying benefits awarded to

1. the claimant **or**

2. their partner.

1 [JSA Regs, Sch1, paras 8, 14, 15 15A](#)

## **Housing costs**

14. When considering whether a non-dependant deduction should be made from allowable housing costs<sup>1</sup>, SADLA is added to the list of benefits awarded to

1. the claimant **or**

2. their partner.

1 [IS Gen Regs, Sch 3, para 18, JSA Regs, Sch 2, para 17](#)

15. When calculating a non-dependant's gross weekly income, SADLA is added to the list of benefits that are disregarded<sup>1</sup>.

1 [IS Gen Regs, Sch 3, para 18\(8\); JSA Regs, Sch 2, para 17\(8\)](#)

## **Remunerative work exclusion**

16. From 21.3.25, individuals regularly and substantially engaged in caring<sup>1</sup> for someone receiving SADLA<sup>2</sup> will be a prescribed category of person treated as not in remunerative work ([DMG 20502](#) and [20252](#)).

1 [IS \(Gen\) Regs, Sch IB, para 4\(a\)\(iii\); JSA Regs, reg 51\(3\)\(c\)\(ii\)](#) 2 [DA \(SADLA\) Regs 2025](#)

## **Carers, remunerative work and joint claimants**

17. When considering whether a JSA claimant is

1. in remunerative work where they are a carer<sup>1</sup> (see [DMG 20252](#)) **or**

2. a member of a joint claim couple who does not have to satisfy the conditions of entitlement<sup>2</sup> because they are a carer<sup>3</sup> (see [DMG 20017](#))

SADLA<sup>4</sup> is added to the list of qualifying benefits from 21.3.25. See [Chapter 20](#) (JSA conditions of entitlement) for further guidance.

1 [JSA Regs, reg 51\(3\)\(c\)\(ii\)](#) 2 [JS Act 95, s 1\(2B\)\(b\)](#); 3 [JSA Regs, Sch A1, para 3\(b\)](#); 4 [DA \(SADLA\) Regs 2025](#)

## Definition of training allowance

18. Training allowance is<sup>1</sup> an allowance payable for the period, or part of the period, that the claimant is taking part in a course of training or instruction. From 21.3.25, SADLA has the meaning given in relevant legislation<sup>2</sup>. (See [DMG 20008](#))

*1 JSA Regs, reg 1(3), IS (Gen) Regs, reg 2(1); 2 DA(SADLA) Regs 2025, reg 2*

## INCOME SUPPORT

### Premiums for income support

19. When considering whether a claimant is entitled to any premiums<sup>1</sup>, SADLA is added to the list of qualifying benefits awarded to

1. the claimant **or**
2. their partner.

*1 IS (Gen) Regs, Sch 2, paras 7(2), 10, 12, 13, 13(A), 14; JSA Regs, Sch 1, paras 8, 14, 15 15A*

### Prescribed category of person

20. People are entitled to IS if they meet the conditions of entitlement, including where they are in a prescribed category<sup>1</sup> (see [DMG 20081 et seq](#)). This includes people who care for another person and are entitled to DLA<sup>2</sup>. From 21.3.25, the category includes people who care for another person and are entitled to SADLA<sup>3</sup>.

*1 SS C&B Act 92, s 124(1)(e); 2 IS (Gen) Regs, Sch IB, para 4(a)(iii) 3 DA (SADLA) Regs 2025*

### Regular Carers

21. People with entitlement to IS who are regularly and substantially engaged in caring for another person<sup>1</sup> will from 21.03.25 extend to those caring for someone who is in receipt of SADLA<sup>2</sup> (See [DMG 20116](#) and [DMG 20027](#)).

*1 IS (Gen) Regs, Sch IB, para 4(a)(iii); JSA Regs, reg 51(3)(c)(ii); SS CB Act 92, s 70(2); 2 DA (SADLA) Regs 2025*

### Housing costs

22. When considering whether a non-dependant deduction should be made from allowable housing costs<sup>1</sup>, SADLA is added to the list of benefits awarded to

1. the claimant **or**

2. their partner

as a qualifying benefit (see [DMG 23770](#)).

*1 [IS \(Gen\) Regs, Sch 3, para 18, JSA Regs, Sch 2, para 17](#)*

23. When calculating a non-dependant's gross weekly income, SADLA is added to the list of benefits that are disregarded<sup>1</sup>.

*1 [IS Gen Regs, Sch 3, para 18\(8\); JSA Regs, Sch 2, para 17\(8\)](#)*

### **Income other than earnings**

24. The care and mobility components of SADLA are disregarded in the calculation of income other than earnings.<sup>1</sup>

*1 [IS \(Gen\) Regs, Sch 9, paras 6 & 9.](#)*

## **EMPLOYMENT AND SUPPORT ALLOWANCE**

### **When the education condition does not apply**

25. DMG 41552 provides guidance on when the education condition does not apply. From 21.3.25, SADLA is added to the list of benefits at DMG 41552 **2**.<sup>1</sup>

*1 [ESA Regs, Reg 18](#)*

### **Persons in Hardship for ESA purposes**

26. DMG 53251 gives guidance on when an ESA claimant is a 'person in hardship'<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 53251 **6.**, **7.**, **8.** and **9.**<sup>3</sup>

*1 [ESA Regs 2008, reg 158](#); 2. [DA\(SADLA\) Regs 2025, reg 6\(4\)](#); 3 [SS\(Scot\) Act 2018 \(DA\)\(Consq Amdts\) Order 2025](#)*

### **Premiums for ESA**

27. When considering whether the claimant is entitled to any premiums, SADLA is added to the list of qualifying benefits awarded to

1. the claimant **or**
2. their partner<sup>1</sup>.

*1 [ESA Regs, Sch 4, para 4, 6 & 7](#)*



## **Housing costs**

28. When considering whether a non-dependant deduction should be made from allowable housing costs, SADLA is added to the list of benefits awarded to

- 1.** the claimant **or**
- 2.** their partner<sup>1</sup>.

*1 [ESA Regs, Sch 6, 19\(6\)](#)*

29. When calculating a non-dependant's gross weekly income, SADLA is added to the list of benefits that are disregarded<sup>1</sup>.

*1 [ESA Regs, Sch 6, para 19\(8\)](#)*

## **STATE PENSION CREDIT**

### **Additional amount for the severely disabled**

30. An award of SPC may include an additional amount for persons who are severely disabled. SADLA is added to the list of qualifying benefits when considering whether the claimant or, if applicable, any partner, is severely disabled.<sup>1</sup>

*1 [SPC Regs, Sch 1 para \(1\) and \(2\)](#)*

31. When considering whether members of a polygamous marriage are entitled to an additional amount for persons who are severely disabled, SADLA is added to the list of qualifying benefits when considering whether a claimant, any partner and any additional spouse is severely disabled.<sup>1</sup>

*1 [SPC Regs, Sch 3 para 1\(9\)](#)*

## **Housing costs**

32. For the purposes of calculating housing costs, a non-dependant deduction should not be made where the claimant or a partner is in receipt of the care component of SADLA<sup>1</sup>.

*1 [SPC Regs, Sch 2 para 14\(6\)](#)*

33. When calculating a non-dependent's gross weekly income, SADLA is added to the list of benefits that are disregarded<sup>1</sup>.

## **Additional amount for a child or qualifying young person**

34. A claimant's maximum amount includes an amount for any

**1. child or**

**2. QYP**

for whom they are responsible.

SADLA is added to the list of qualifying benefits when considering whether a further additional amount for a disabled child or QYP is payable<sup>1</sup>.

[1 SPC Regs, Sch 2A, para 9](#)

## **Earnings for SPC**

35. SADLA is added to the list of benefits, receipt of which attract a £20 earnings disregard.<sup>1</sup>

[1 SPC Regs, Sch VI, para 4](#)

## **BACKDATING CLAIMS FOR A RELEVANT BENEFIT**

### **Qualifying benefit**

36. For the purposes of the rules on backdating claims for a relevant benefit after the award of a qualifying benefit in DMG 02260, SADLA is a "qualifying benefit"<sup>1</sup> from 21.3.25.

[1 SS \(C&P\) Regs, reg 6\(38\)\(b\)\(v\)](#)

### **New backdating rule for SADLA**

37. After 28 days in hospital or a care home, the amount of SADLA reduces to nil. where

**1.** as a result of the SADLA reducing to nil, an award of a relevant benefit (DMG 02263) has been terminated or reduced, or payment has ceased; **and**

**2.** SADLA is subsequently restored

**2.1.** on revision, supersession, or appeal **or**

**2.2.** because the claimant has left hospital or the care home **and**

**3.** the relevant benefit is claimed again within three months of the date on which a decision to restore SADLA was made.

The new claim for the relevant benefit can be treated as made on the date in paragraph 38<sup>1</sup>.

*1 SS (C&P) Regs, [Reg 6\(19\)](#)*

38. Where the provisions in paragraph 37 are satisfied, the new claim for the relevant benefit is treated as made on

- 1.** the date from which the previous award of the relevant benefit was terminated **or**
- 2.** the date from which SADLA increases to more than nil

whichever is the later.

## **REVISION AND SUPERSESSION**

### **Definition of Scottish disability benefit**

39. 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 in paragraphs 40 to 48.

*1 SS CS (D&A) Regs, [reg 1\(3\)](#)*

### **Supersession of a SPC award because of entitlement to SADLA**

40. Where

- 1.** an award of SPC is superseded on the ground that there has been a relevant change of circumstances since the award took effect **and**
- 2.** the change of circumstances is that the claimant or partner has become entitled to SADLA

the superseding decision takes effect from the beginning of the benefit week in which the first day of the new SADLA entitlement falls or, if that is not practicable, on the first day of the following benefit week<sup>1</sup>.

*1 SS CS (D&A) Regs, [Sch 3B, paras 2\(b\)\(v\) & \(vi\)](#)*

### **Revising decisions on linked relevant benefits**

41. Where

- 1.** the DM awards entitlement to a relevant benefit ([DMG Annex A](#)) **and**
- 2.** the claimant or a member of his family is awarded SADLA for a period that includes the date from which the relevant benefit has been awarded

the award of the relevant benefit can be revised.<sup>1</sup>

*1 [SS CS \(D&A\) Regs, reg 3\(7\)](#)*

## **Superseding decisions on linked relevant benefits**

42. Where

- 1.** the claimant has been awarded a relevant benefit ([DMG 02263](#)) **and**
- 2.** the claimant or a member of their family for benefit purposes is awarded SADLA **and**
- 3.** the first day of the award of SADLA falls after the first day of the award of the relevant benefit

the award of the relevant benefit can be superseded<sup>1</sup>, with effect from the first day of the SADLA award<sup>2</sup>.

*1 [SS CS \(D&A\) Regs, reg 6\(2\)\(e\)](#); 2 [reg 7\(7\)\(a\)](#)*

## **IS Supersession for entering or leaving a hospital or care home for less than a week**

43. The regulations<sup>1</sup> have also been amended to include new rules for IS supersessions carried out because SADLA has been reduced or increased as a result of short periods in or out of a hospital or care home. See further guidance in paragraph 44.

*1 [SS CS \(D&A\) Regs](#)*

44. Where

- 1.** an IS award is superseded on the ground that a relevant change of circumstances has occurred **and**
- 2.** the change is that
  - 2.1** SADLA has been reduced or increased for less than a week because the claimant has been admitted to a hospital or care home **or**
  - 2.1** SADLA has been increased for less than a week because the claimant has left a hospital or care home

the superseding decision takes effect from the actual day on which the claimant entered or left the hospital or care home<sup>1</sup>.

*1 [SS CS \(D&A\) Regs, Sch 3A, paras 3\(ha\) and \(j\)](#)*

## **SPC supersession for the claimant or the claimant's partner becoming entitled to SADLA**

45. The regulations<sup>1</sup> have also been amended to include a new rule for SPC supersessions carried out because SADLA has been awarded.

*1 [SS CS \(D&A\) Regs](#)*

46. Where

- 1.** an SPC award is superseded on the ground that a relevant change of circumstances has occurred **and**
- 2.** the change is the claimant or partner has become entitled to the SADLA care component at the middle or higher rate

the superseding decision take effects on the first day of the SPC benefit week in which that change occurs, or if that is not practicable in the circumstances of the case, on the first day of the next following benefit week<sup>1</sup>.

*1 [SS CS \(D&A\) Regs, Sch 3B, para 2\(b\)\(vii\)](#)*

## **ESA supersession for entering or leaving a care home, hospital or legal detention for less than a week**

47. The regulations<sup>1</sup> have also been amended to include new rules for ESA supersessions carried out because SADLA has been reduced or increased as a result of short periods in or out of a hospital, care home or legal detention. See guidance in paragraph 48.

*1 [SS CS \(D&A\) Regs](#)*

48. Where

- 1.** an ESA award is superseded on the ground that a relevant change of circumstances has occurred **and**
- 2.** the change is that
  - 2.1** SADLA has been reduced or increased for less than a week because the claimant has been admitted to a hospital or care home **or**
  - 2.1** SADLA has been reduced to nil or increased from nil for less than a week under the special SADLA rules for persons who have transferred to another part of the UK and are in hospital, a care home or legal detention

the superseding decision takes effect from the actual day on which the claimant entered or left hospital, care home or legal detention<sup>1</sup>.

## **ANNOTATIONS**

The number of this memo should be annotated against the following DMG paragraphs; [61461](#), [61466](#), [35106](#), [DMG Annex A](#), [02264](#), [02269](#), [04646](#), [03350](#), [04350](#), [04556](#), [04558](#), [04720](#), [04647](#), [53251](#), [23054](#), [23122](#), [23123](#), [23127](#), [23128](#), [23180](#), [23202](#), [23204](#), [23181](#), [23243](#), [23770](#), [23775](#), [41552](#) [44101](#), [44102](#), [44113](#), [44114](#), [44116](#), [44136](#), [44606](#), [44611](#), [78030](#), [78521](#), [78524](#), [78611](#), [20502](#), [20252](#), [20017](#), [20008](#), [20081](#), [20116](#), [20027](#), [28355](#), [86118](#), [61568](#), [61558](#), [61581](#), [61583](#), [61584](#).

## **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

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