

11-25: Cross-Border Issues and Devolved Benefits

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INTRODUCTION

1. This Memo gives guidance on [The Social Security \(Scotland Cross-border Consequential Amendment and Transitional Provision\) Regulations 2025](#).
2. These regulations make changes to the legislation for Disability Living Allowance (DLA), Personal Independence Payment (PIP), Attendance Allowance (AA) and Carer's Allowance (CA) to account for the interaction between these benefits and their devolved Scottish equivalents, and for when a person moves from England and Wales to Scotland.
3. DLA, PIP, AA and CA have been replaced in Scotland by equivalents under the devolved administration of Social Security Scotland. For child DLA the replacement is Child Disability Payment (CDP), for adult DLA the Scottish Adult Disability Living Allowance (SADLA), for PIP the Adult Disability Payment (ADP), for AA the Pension Age Disability Payment (PADP) and for CA the Carer Support Payment (CSP).
4. Where a person in receipt of DLA, PIP, AA and CA moves permanently from England and Wales to Scotland they must make a claim to the Scottish equivalent benefit. However, those new claims for CDP, ADP and CSP only need to be made from 06.11.25 onwards, and for PADP from 23.02.26 onwards (SADLA is closed to new claimants, adults in receipt of DLA or who had an award of DLA that ceased within the last 12 months must contact Social Security Scotland to request a decision about their entitlement to SADLA instead).
5. The regulations come into force
 1. in respect of the changes to CA and PIP (and the Transitional Provisions at paragraphs 18-19), on **06.11.25**,
 2. in respect of the changes to AA and DLA (including the DLA Saving Provision at paragraph 20), on **23.02.26**.

Note – This Memo covers England and Wales only. The Department for Communities will produce a similar document to account for these same changes for Northern Ireland.

PRESENT IN ENGLAND AND WALES

6. A person can only be entitled to DLA, PIP, AA and CA if they are present in England and Wales (unless transitional or savings provisions apply) ¹.

¹ [SS\(ICA\) Regs 1976, Reg 9](#); [SS\(AA\) Regs 1991, Reg 2](#); [SS\(DLA\) Regs 1991, Reg 2](#); [SS\(PIP\) Regs 2013, Reg 16\(a\)](#)

TEMPORARY ABSENCE FROM ENGLAND AND WALES WHILE PRESENT IN SCOTLAND

7. A person who is ordinarily resident in England and Wales and is temporarily present in Scotland may remain entitled to DLA, PIP, AA and CA, provided the conditions for temporary absence are met.¹

8. For CA, the absence must not exceed a continuous period of 4 weeks unless the person is in Scotland specifically to care for the severely disabled person, in which case extended absence may be permitted.²

9. For DLA, PIP and AA it should be borne in mind that deciding whether someone is temporarily absent from England and Wales whilst present in Scotland is a different test to that when deciding temporary absence from Great Britain. All that is required to meet the Scotland test is that the absence is temporary, using the ordinary meaning of that word. This differs from the rules applied to absences from Great Britain such as travel abroad where specific time limits may apply.

1 [SS\(ICA\) Regs 1976, Reg 9\(4\)](#); SS(AA) Regs 1991, Reg 3CA; [SS\(DLA\) Regs 1991, Reg 2\(2A\)](#); SS(PIP) Regs 2013, Reg 20A; 2 [SS\(ICA\) Regs 1976, Reg 9\(4\)](#)

Example 1

A PIP claimant is resident in England. They move to Scotland for a two-year work contract and intend to return at the expiry of that contract and inform the DWP of that change. The decision maker finds that this absence is temporary, and therefore they remain entitled to PIP.

Example 2

A PIP claimant resident in Wales goes to stay with a family member in Scotland to be cared for during an illness. They do not know how long that stay will be for, but they state it is temporary, and they intend to return. The decision maker finds this absence is temporary, and they remain entitled to PIP. The claimant is informed they must report to the DWP immediately should this move become permanent or their payments could be affected. The award is reviewed periodically.

Example 3

A CA claimant states they will be temporarily present in Scotland as the person they care for is visiting a friend in Edinburgh for a few months and they must accompany them for the duration of that visit to provide care. The decision maker is satisfied the reason for the temporary absence is for the purposes of providing care and allows the CA award to continue beyond the normal 4-week limit for temporary absences in Scotland.

RUN-ON PERIOD

10. Where a person moves from England and Wales to Scotland the payment of DLA, PIP, AA and CA will continue for a run-on period to allow the claimant to make their claim to the Scottish equivalent.

11. The run-on period begins with the date the claimant changed permanent residence from England and Wales to Scotland. It ends

1. in PIP, after exactly 13 weeks have elapsed,¹

2. in DLA, AA and CA, the day before the first pay day² after 13 weeks have elapsed³ (i.e. no more than 13 weeks and 6 days), **or**

3. (in DLA, PIP, AA, and CA) the day before the Scottish benefit comes into payment, if earlier.

1 SS(PIP) Regs 2013, Reg 23ZB(4); 2 [SS\(C&P\) Regs 1987, Sch 6, Para 1 & 4](#); 3 SS(ICA) Regs 1976, Reg 9D(4)(b); [SS\(AA\) Regs 1991, Reg 2A](#); [SS\(DLA\) Regs 1991, Reg 2ZA](#)

CA – DEATH OF CARED FOR PERSON

12. Where the claimant is entitled to CA for a further 8 weeks following the death of the cared-for

person¹, and the death occurs either before or within 13 weeks of the residence change date, the run-on period ends once that 8-week period elapses². The 8 weeks begin on the Sunday following the date of death (or on the date of death if it occurred on a Sunday).

13. As a result, the run-on period may be shorter than 13 weeks, or in cases where the death occurred after the move to Scotland and the 8-week period continues after the move, the run-on may exceed 13 weeks.

1 SS(ICA) Regs 1976, Reg 9D(4)(b); 2 [SSCBA 1992, s70\(1A\)](#); [Social Security \(Scotland Cross-border Consequential Amendment and Transitional Provision\) Regulations 2025, Reg 6\(5\)](#)

FIXED TERM AWARDS

14. Where a fixed term award of benefit is due to expire within the run-on period that award must be extended to the end of the run-on period¹. This does not apply to CA as there are no fixed term awards.

1 SS(AA) Regs 1991, Reg 2D(3); [SS\(DLA\) Regs 1991, Reg 2ZA](#); SS (PIP) Regs 2013, Reg 23ZB(3),

RETURN TO ENGLAND AND WALES

15. Where a claimant returns permanently to England and Wales within the run-on period, and the award of DLA, PIP, AA or CA has not already been terminated, any decision made to end the award may be revised so that entitlement continues.

16. Where a claimant returns permanently to England and Wales after the run-on period has expired the claimant must make a new claim to DLA, PIP, AA or CA.

OUTSTANDING DECISIONS FOR CLAIMANTS WHO HAVE MOVED TO SCOTLAND

17. Where a claim is made to DLA, PIP, AA and CA prior to the date the claimant moved permanently to Scotland, the Secretary of State must make any outstanding decisions on that claim unless it is withdrawn¹. If a claimant reports a change during the run-on period, the DWP must assess and apply any resulting change to the end of the run-on period.

18. If the outstanding decision concerns a period where someone had already moved permanently to Scotland **prior** to the coming into force date of these regulations, the impact of the coming into force of the regulations would be to end entitlement on that date as the claimant is no longer resident in England and Wales (as per paragraph 6 above). However, entitlement does not end on the coming into force date if

1. the claimant was in receipt of a notice of intention to transfer to the Scottish Benefit, or had informed Social Security Scotland they had moved permanently to Scotland, in which case the transitional provisions apply (see paragraphs 19-20)², or

2. the claimant is entitled to DLA Child, as they will be covered by the previous DLA regulations (see paragraph 21).³

1 SS(ICA) Regs 1976, Reg 9E; SS(AA) Regs 1991, Reg 2E; SS(PIP)Regs 2013, Reg 23ZC; [SS\(DLA\)Regs 1991, Reg 2ZB](#); 2 [Social Security \(Scotland Cross-border Consequential Amendment and Transitional Provision\) Regulations 2025, Reg 6\(1\) to \(3\)](#); 3 [Social Security \(Scotland Cross-border Consequential Amendment and Transitional Provision\) Regulations 2025, Reg 7](#)

Example 1

A claimant resident in England has their PIP claim, made on 01.10.25 (before these regulations come into force, on 06.11.25), disallowed and they challenge that decision. On 03.12.25 the claimant moves permanently to Scotland. At mandatory reconsideration the decision maker decides PIP should be awarded and realising they must deal with the award for the period prior to the move to Scotland, awards PIP from 01.10.25 to 02.12.25 as the claimant continued to meet the presence test by being in England. From 03.12.25 the claimant fails the presence test. The decision maker applies the 13-week run-on period from 03.12.25.

Example 2

A claimant resident in Wales has a DLA award which is due for renewal on 10.04.26. They make their renewal claim reporting no changes of circumstances except they are moving permanently to Scotland on 12.03.26. The decision maker decides the renewal claim must be disallowed as the claimant will not be present in England and Wales on the renewal date 10.04.26. The existing award of DLA will have the 13-week run on period applied from the day they move to Scotland, 12.03.26.

Example 3 – Run on period

Following a claimant's permanent move to Scotland, their award of the standard rate daily living component of PIP has the 13-week run on applied. A month into that run-on period the claimant reports a change of circumstances, their condition having worsened. The decision maker must deal with this application and following the assessment process they award the enhanced rate daily living component from the effective date of the change of circumstances to the end of the 13-week run period.

Example 4 – Move to Scotland prior to coming into force date

A person resident in England has their PIP claim, made on 01.07.25, disallowed and they challenge that decision. They move permanently to Scotland on 01.10.25, prior to these Cross-Border regulations coming into force on 06.11.25. They have not received a Notice of Intention to transfer to the Scottish benefit nor informed Social Security Scotland about their change of address, so are not covered by the Transitional Provisions. At mandatory reconsideration it is decided that the claimant should receive an award from 01.07.25 to 05.11.25. The award must be limited to that end date as once these regulations came into force the person cannot be entitled to PIP as they fail the presence test. This also means they cannot benefit from the run-on period. The claimant is advised to contact Social Security Scotland about claiming a Scottish benefit.

WHERE THESE REGULATIONS DO NOT APPLY

TRANSITIONAL PROVISIONS

19. Where a person transferring to one of the Scottish Disability or carer Benefits has been served with a notice of intention to transfer to that benefit by the Scottish Ministers¹ on or before,

1. for someone claiming Child Disability Payment, Adult Disability Payment, or Carer Support Payment, **5.11.25**, or
2. for someone claiming Pension Age Disability Payment or Scottish Adult Disability Living Allowance, **22.02.26**,

then the amendments made by these regulations **do not apply** to those people (i.e. they should continue to be transferred) until the earliest of these events happens to the claimant:

3. the first day they are entitled to the Scottish benefit, or
4. the date of the decision they are not entitled to the Scottish benefit, or
5. the date the person ceases to be permanently resident in Scotland.

20. Where a person has **not** been served with a notice of intention to transfer by the Scottish Ministers, but they became permanently resident in Scotland before,

1. for someone entitled to PIP or CA, **06.11.25**, or

2. for someone entitled to DLA or AA, **23.02.26**, and

before those respective dates the person

3. has not ceased to be entitled to that DWP benefit, and

4. Scottish Ministers are aware of the change in residence, and

5. there has been no determination by the Scottish Ministers of the person's entitlement to the relevant Scottish benefit,

these regulations **do not apply** to that claimant until the earliest of these events happens to the claimant:

6. the first day they are entitled to the Scottish benefit, or

7. the date of the decision they are not entitled to the Scottish benefit, or

8. the date the person ceases to be permanently resident in Scotland.¹

[1 Social Security \(Scotland Cross-border Consequential Amendment and Transitional Provision\) Regulations 2025, Reg 6\(1\) to \(3\)](#)

DLA SAVING PROVISION

21. Regulations were already in place to deal with the transfer of DLA recipients to a Scottish Disability benefit¹. Those regulations are now replaced in full. However, the previous version of those regulations will still apply to the relevant claimants covered by those regulations who became permanently resident in Scotland on or after **07.07.23**, but before the coming into force of the new regulations, on **23.02.26**.

1 [DLA Regs 1991, Reg 2ZA, 2ZB](#), 2 [Social Security \(Scotland Cross-border Consequential Amendment and Transitional Provision\) Regulations 2025, Reg 7](#)

ANNOTATIONS

The number of this Memo (11/25) should be noted at paragraphs:

ADM

PARA 6: INT [C2029](#). PARA 7,9: INT [C2056](#), PARA 10-11, 14,15-16, 17-18, 19-20: [PIP NEW](#)

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, Existing arrangements for such referrals should be followed, as set out in Memo ADM [07/19](#) - Requesting case guidance from DMA Leeds for all benefits.

DMA LEEDS: November 2025

