

CONSEQUENTIAL AMENDMENTS TO SOCIAL SECURITY LEGISLATION - INTRODUCTION OF CHILD DISABILITY PAYMENT

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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. The Regulations come into force on 26.7.21¹.

¹ *The Scotland Act 2016 (Social Security) (Consequential Provision) (Miscellaneous Amendment) Regulations 2021*

BACKGROUND

- 2 The Scottish Government is due to introduce Child Disability Payment, its replacement benefit for Disability Living Allowance for children, from July 2021.

The purpose of these amendments is to ensure, they will

1. Prevent payment of Personal Independence Payment if Child Disability Payment is in payment.

2. In cases of cross-border movement from Scotland to another part of the United Kingdom, Personal Independence Payment will start where entitlement is assessed and confirmed, after the 13-week Child Disability Payment run-on payment from the Scottish Government has ended.

CROSS BORDER MOVEMENT FROM SCOTLAND TO UNITED KINGDOM

- 3 A claimant who is a recipient of Child Disability Payment and who subsequently moves from Scotland to another part of the United Kingdom, retains entitlement to Child Disability Payment 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 United Kingdom, 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); SS (PIP) Regs (NI), reg 23ZA

CLAIMANTS GRANTED APPOINTEE IN SCOTLAND

- 4 Where in Scotland a person over the age of 18 has been appointed by Social Security Scotland under a qualifying appointment to act for a claimant who cannot manage their own affairs because they are mentally and/or physically disabled, the decision maker can accept the same appointee without a fresh application, if the person agrees. In Great Britain, the Secretary of State has the power to do so under the amending legislation. However, whilst the Department in Northern Ireland does not have the same provision, the decision maker here should accept the ongoing appointee-ship without the need for a brand new appointee application.

THE NEED FOR AN APPOINTEE CERTIFICATE

- 5 However, the decision maker should ensure that a copy of the appointee-ship authorisation certificate is obtained to be held on file in the event of an appeal¹. The existing appointee may be able to provide this but if not, the decision maker should contact the claimant's Child Disability Payment office to request a copy. In the event this proves problematic, the existing appointee would need to complete a new appointee authorisation form to be held on file. There is no requirement however for the whole appointee assessment to recommence (unless it is a different person now wishing to be the appointee).

1 C30/08-09(DLA); para 37

ANNOTATIONS

This memo should be annotated against the following ADM paragraph: A2138.

CONTACTS

If you have any queries about this memo, please contact:

Decision Making Services, Section 2 on (02890) 829508, 819141, 829034 or 819911 or email the Decision Making Services mailbox: dms@communities-ni.gov.uk

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