

A5/2025: The Social Security (Scotland) Act 2018 (Disability Assistance) (Consequential Amendments) Order 2025

Introduction

This circular provides information about the The Social Security (Scotland) Act 2018 (Disability Assistance) (Consequential Amendments) Order (SI 2025/227). SI 2025/227 was laid on 28 February 2025 and comes into force on 21 March 2025.

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Introduction

1. This circular provides information about the The Social Security (Scotland) Act 2018 (Disability Assistance) (Consequential Amendments) Order (SI 2025/227). SI 2025/227 was laid on 28 February 2025 and comes into force on 21 March 2025.

Background

2. SI 2025/227 makes changes to the Housing Benefit Regulations 2006 (SI 2006/213) and the Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006 (SI2006/214) to reflect the introduction by the Scottish Government of the Scottish Adult Disability Living Allowance (SADLA) which replaces Disability Living Allowance for adults resident in Scotland.

Amendments to Housing Benefit Regulations

3. The following paragraphs provide more information about the amendments made by SI 2025/227.

Size criteria

4. The definition of a person who cannot share a bedroom is amended so that receipt of SADLA at the middle or highest rate gives entitlement to an additional bedroom to couples who cannot share a bedroom due to one or both members of the couple being disabled.

5. The definition of a person who requires overnight care is amended so that receipt of SADLA gives entitlement to an additional bedroom.

Disregards

6. The childcare disregard provisions are amended so that receipt of SADLA allows the disregard to apply where one member of the couple is unable to work and is receiving SADLA.

7. Receipt of SADLA will allow the higher weekly earnings disregard of £20 to apply for people receiving Pension age Housing Benefit.

Premiums

8. SADLA is treated as a qualifying benefit for the carer, disability, enhanced and severe disability premiums.

Non-dependent deductions

9. Where a claimant or their partner is getting SADLA no non-dependant deductions are applied.

10. Where a non-dependant is in remunerative work and is receiving SADLA then the amount of SADLA paid will be disregarded from their gross income.

Benefit cap

11. Receipt of SADLA will exempt a household from the benefit cap.