

2013 No. 65

SOCIAL SECURITY

**The Welfare Reform (Consequential Amendments) (Scotland)
Regulations 2013**

Made - - - - - *21st February 2013*

Laid before the Scottish Parliament *25th February 2013*

Coming into force - - - *8th April 2013*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 2 and 3 of the Welfare Reform (Further Provision) (Scotland) Act 2012(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Welfare Reform (Consequential Amendments) (Scotland) Regulations 2013 and come into force on 8th April 2013.

Council Tax (Discounts) (Scotland) Regulations 1992

2. In regulation 2(3)(c) of the Council Tax (Discounts) (Scotland) Regulations 1992(b) (care workers), after head (iii) insert—

“(iiiia) the daily living component of personal independence payment at the enhanced rate (as referred to in section 78(2) of the Welfare Reform Act 2012(c));”.

National Assistance (Assessment of Resources) Regulations 1992

3.—(1) The National Assistance (Assessment of Resources) Regulations 1992(d) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “permanent resident” insert—

““personal independence payment” means personal independence payment under Part 4 of the Welfare Reform Act 2012;”.

(3) In Schedule 3 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 4, after “allowance” insert “or the mobility component of personal independence payment”; and

(b) in paragraph 6—

(i) omit “or” at the end of sub-paragraph (a); and

(a) 2012 asp 10.

(b) S.I. 1992/1409; relevant amending instruments are S.I. 1994/629 and 1997/587.

(c) 2012 c.5.

(d) S.I. 1992/2977.

- (ii) after sub-paragraph (b), insert—
 - “; or
- (c) the daily living component of personal independence payment”.

Advice and Assistance (Scotland) Regulations 1996

4. In regulation 16(2)(c) of the Advice and Assistance (Scotland) Regulations 1996(a) (payment of fees and outlays from property recovered or preserved), after “support allowance” insert “, the mobility component of personal independence payment under section 79 of the Welfare Reform Act 2012”.

Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000

5.—(1) The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000(b) are amended as follows.

- (2) In regulation 4(2) (descriptions of disabled persons), after sub-paragraph (a) insert—
 - “(aa) receives personal independence payment and who has been assessed as having—
 - (i) severely limited ability (within the meaning of regulation 6(3)(b) of the Social Security (Personal Independence Payment) Regulations 2013(c) in respect of activity 1 (planning and following journeys) in Part 3 of Schedule 1 to those Regulations; or
 - (ii) limited ability (within the meaning of regulation 6(3)(a) of those Regulations) in respect of activity 2 (moving around) in that Part;”.
- (3) In regulation 6 (fee for issue and period of issue of a badge)—
 - (a) in paragraph (2)—
 - (i) after “Subject to” insert “paragraph (3) and”;
 - (ii) after sub-paragraph (b), insert—
 - “(ba) to a person falling within the description specified in regulation 4(2)(aa), for whichever is the shorter of—
 - (i) the period of 3 years beginning with the date of issue; or
 - (ii) the period which begins on the date of issue and ends on the date on which the relevant award of personal independence payment ends;”;
 - (iii) in sub-paragraph (d), after “(b)” insert “, (ba)”;
 - (iv) omit sub-paragraph (e); and
 - (b) after paragraph (2), insert—
 - “(3) Where a person falls within sub-paragraph (b) or (ba) of paragraph (2) and also falls within sub-paragraph (c) of that paragraph, a badge shall be issued for whichever is the longer period under a sub-paragraph applying to him.”.
- (4) In regulation 9 (return of badge to issuing authority)—
 - (a) in paragraph (1), for “A” substitute “Subject to paragraph (1A), a”;
 - (b) after that paragraph, insert—
 - “(1A) A badge need not be returned under paragraph (1)(c) where—
 - (a) a person has had entitlement to disability living allowance terminated in accordance with the Personal Independence Payment (Transitional Provisions) Regulations 2013(d); and

(a) S.I. 1996/2447; relevant amending instruments are S.I. 1997/726 and 2008/1879.

(b) S.S.I. 2000/59; relevant amending instruments are S.S.I. 2007/162 and 2011/89 and 410.

(c) S.I. 2013/377.

(d) S.I. 2013/387.

- (b) immediately before that happened the person was a disabled person by virtue of regulation 4(2)(a) above.”.

Repayment of Student Loans (Scotland) Regulations 2000

6. In the definition of “disability related benefit” in regulation 2 of the Repayment of Student Loans (Scotland) Regulations 2000(a) (interpretation), after “2007” insert “, personal independence payment payable under Part 4 of the Welfare Reform Act 2012”.

Civil Legal Aid (Scotland) Regulations 2002

7. In paragraph 7 of Schedule 2 to the Civil Legal Aid (Scotland) Regulations 2002(b) (rules for computing disposable income), after sub-paragraph (e) insert—

- “(f) the mobility component of personal independence payment paid under section 79 of the Welfare Reform Act 2012”.

Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003

8. In article 4(2) of the Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003(c) (the severely mentally impaired), after sub-paragraph (g) insert—

- “(ga) the daily living component of personal independence payment (as referred to in section 78 of the Welfare Reform Act 2012);”.

National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services) (Scotland) Order 2006

9.—(1) The National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services) (Scotland) Order 2006(d) is amended as follows.

(2) In article 2 (interpretation)—

- (a) after the definition of “Northern England service” omit “and” and insert—

““personal independence payment” means personal independence payment under Part 4 of the Welfare Reform Act 2012;”;

- (b) after the definition of “the Scheme”, insert—

““travel card” means a travel card issued under article 15 of the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006(e)”.

(3) In article 3 (eligible persons)—

- (a) after sub-paragraph (iii) of paragraph (b), insert—

“(iia) personal independence payment;”;

- (b) in paragraph (e), for “or attendance allowance” substitute “, attendance allowance or personal independence payment”;

- (c) in paragraph (k)—

- (i) after sub-paragraph (ii), insert—

“(iia) are in receipt of the daily living component of personal independence payment;

(iib) fall within paragraph (l) and immediately before doing so fell within sub-paragraph (i) above or sub-paragraph (iii) below;”;

(a) S.S.I. 2000/110; relevant amending instrument is S.I. 2008/1879.

(b) S.S.I. 2002/494.

(c) S.S.I. 2003/176; relevant amending instrument is S.I. 2008/1879.

(d) S.S.I. 2006/117.

(e) S.S.I. 2006/107.

- (ii) in sub-paragraph (iii), for “or attendance allowance” substitute “, attendance allowance or the daily living component of personal independence payment”; and
- (d) after paragraph (k), insert—
 - “(l) a person who—
 - (i) has been issued with a travel card which has not yet expired;
 - (ii) has had entitlement to disability living allowance terminated in accordance with the Personal Independence Payment (Transitional Provisions) Regulations 2013; and
 - (iii) immediately before that happened fell within paragraph (b)(i) or (ii) or (e)”.

St Andrew’s House,
Edinburgh
21st February 2013

NICOLA STURGEON
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments of secondary legislation in consequence of the introduction of the allowance known as personal independence payment under Part 4 of the Welfare Reform Act 2012. The provisions of most significance are as follows.

Regulation 5 amends the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000. A new regulation 4(2)(aa) is inserted in those Regulations so as to make eligible for a disabled person's badge certain recipients of personal independence payment.

Regulation 6 amends regulation 2 of the Student Loans (Scotland) Regulations 2000 so as to include personal independence payment within the definition of "disability related benefit". The result is that a person in receipt of personal independence payment may have his or her loan liability cancelled out if permanently unfit for work.

Regulation 9 amends the National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services) (Scotland) Order 2006. Article 3 of that Order is amended so as to make recipients of personal independence payment eligible persons for the purposes of the National Bus Travel Concession Scheme.

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