

# **Scottish Adult Disability Living Allowance: Moving from Scotland to another part of the United Kingdom and vice versa**

## **Index**

This chapter covers:

- Introduction
- When an individual in receipt of Disability Living Allowance (DLA) moves to Scotland
- Entitlement to Scottish Adult Disability Living Allowance (Scottish Adult DLA) beginning while in 'alternative accommodation'
- Differences between Scottish Adult DLA and DLA eligibility criteria
- When case managers are required to make a determination without application
- If entitlement to Scottish Adult DLA is based on an DLA award that later changes
- When an individual in receipt of Scottish Adult DLA moves to another part of the UK
- When the individual notifies Social Security Scotland in advance of the move
- An individual cancels the move after they have told Social Security Scotland that they are moving
- When an individual notifies Social Security Scotland more than 13 weeks after the move

## **Introduction**

1. This chapter is about when an individual in receipt of:
  - DLA moves to Scotland; and
  - Scottish Adult DLA moves to another part of the UK.
2. The UK means Great Britain and Northern Ireland.
3. The chapter explains when Social Security Scotland is required to make a determination without application in these circumstances.

## **When an individual in receipt of DLA moves to Scotland**

4. Individuals in receipt of DLA must notify DWP when they move to Scotland from England and Wales, or the Department for Communities (DfC) if the individual is moving from Northern Ireland to Scotland. DWP or DfC will send this information to Social Security Scotland when they are notified by the individual. This prompts Social Security Scotland to make a determination without application for Scottish Adult DLA<sup>1</sup>.

*1 Scottish Adult DLA regs, Reg 47*

5. DWP or DfC send data to Social Security Scotland which case managers should use when making a determination without application.

6. For example, if an individual is in receipt of the middle rate of the care component of DLA at the time of the move, the case manager should accept that the individual satisfies the eligibility criteria of the middle rate of the care component of Scottish Adult DLA. However, they must then consider if:
  - the individual is staying in alternative accommodation in Scotland; and
  - any of the differences between the DLA eligibility criteria and Scottish Adult DLA eligibility criteria are relevant to the individual.

These differences are discussed below.

## **Entitlement to Scottish Adult DLA beginning while in ‘alternative accommodation’**

7. An individual could be moving immediately into alternative accommodation on the day that they move to Scotland. The Scottish Adult DLA rules refer to accommodation in a care home, hospital or similar institution or legal detention as alternative accommodation.
8. The value of both components of Scottish Adult DLA is reduced to £0 when an individual has been resident in hospital, hospice or legal detention for more than 28 days<sup>1</sup>.

*1 Scottish Adult DLA regs, Reg 27(2)(3)(4)*

9. The value of the care component of Scottish Adult DLA is reduced to £0 when an individual has been resident in a care home or similar institutions for more than 28 days<sup>1</sup>. Any periods spent in alternative accommodation prior to moving to Scotland will also count towards the 28 days.

*1 Scottish Adult DLA regs, Reg 27*

10. An individual who moves to Scotland from somewhere else in the United Kingdom will not see their Scottish Adult DLA entitlement begin until their DLA entitlement ends, which will be on a date fixed by the DWP. As a result, their Scottish Adult DLA is unlikely to begin until they have been in alternative accommodation for longer than 28 days.
11. Case managers will need to consider the alternative accommodation chapter in detail when deciding which £0 value rules and time periods apply to a person moving to alternative accommodation in Scotland. This will depend on when they move into the alternative accommodation, the type of alternative accommodation, and when their entitlement to Scottish Adult DLA commences.
12. An individual's move to Scotland must have been voluntary for them to be ordinarily resident in Scotland and entitled to Scottish Adult DLA. For example, if someone is moved from rest of the UK to a Scottish prison, they would not be ordinarily resident in Scotland. Their ordinary residence would remain in the rest of the UK. The same rule applies when someone is moved involuntarily from Scotland to the rest of the UK and they would remain ordinarily resident in Scotland. See ‘Residence and presence for Scottish Adult Disability Payment’ chapter for more information about ordinary residence.

## **Example: Involuntary move to alternative accommodation**

Thomas is 68 years old and receives Scottish Adult DLA. He lives in Dumfries and is entitled to the lower rate of mobility component.

Thomas is sentenced to a term in prison and is sent to Durham Prison in England to serve his sentence on 19 September 2026. As his move is involuntary, his ordinary residence will remain in Scotland, and he continues to receive Scottish Adult DLA at his existing rate for the first 28 days. From 18 October 2026 the value of his Scottish Adult DLA payments is reduced to £0 while he remains in the prison. His Scottish Adult DLA is put back into payment when he is released and returns to Scotland.

## **Differences between Scottish Adult DLA and DLA eligibility criteria**

### **Special rules for terminal illness**

13. For an individual to be entitled to DLA under the DWP's special rules for end of life, the individual must have a progressive disease where death as a consequence of that disease can reasonably be expected within 12 months.
14. For an individual to be entitled to Scottish Adult DLA under the special rules for terminal illness, the individual must have "a progressive disease that can reasonably be expected to cause the individual's death": there is no requirement that death must be expected to occur within 12 months. This means that if an individual is receiving DLA under the DWP's special rules for end of life, and they move to Scotland, they will always satisfy the special rules for terminal illness for Scottish Adult DLA<sup>1</sup>.

*1 Social Security (Scotland) Act 2018, Schedule 5, para 1*

15. If an individual has been awarded DLA under special rules for terminal illness, they automatically receive the highest rate of the care component and, except where restrictions relating to the 'relevant age' apply, the higher rate of the mobility component of Scottish Adult DLA.
16. Under the special rules for terminal illness for Scottish Adult DLA, an appropriate healthcare professional both:
  - certifies that the individual has a terminal illness; and
  - notifies Social Security Scotland of the diagnosis.

An individual may inform Social Security Scotland that they have a terminal illness and Social Security Scotland contacts the appropriate healthcare professional to certify that the individual has a terminal illness.

The chapter on Special Rules for Terminal Illness gives more information.

## **When case managers are required to make a determination without application**

17. Social Security Scotland is required to make a determination without application when a person<sup>1</sup>:

- moves to become resident in Scotland;
- was resident in another part of the UK before the move; and
- was entitled to DLA immediately before becoming resident in Scotland.

*1 Scottish Adult DLA regs, Reg 47(1)*

18. Entitlement to Scottish Adult DLA begins (following the determination without application) on the day after the day on which DLA ceases to be paid to the individual<sup>1</sup>.

*1 Scottish Adult DLA regs, Reg 47(2)*

19. At the moment, clients moving to Scotland from the rest of the UK while in receipt of DLA will be selected for case transfer. Case managers will know that an individual in receipt of DLA has moved to Scotland because the DWP or DfC sends this data to Social Security Scotland. The data will include the end date for DLA. The Operational Guidance contains further information on accessing this data for the purpose of making a determination without application.

### **If entitlement to Scottish Adult DLA is based on an DLA award that later changes**

20. Social Security Scotland must make a further determination without application if:

- the case manager has made a determination that the individual is entitled to Scottish Adult DLA as a result of a move to Scotland from another part of the UK; and
- the DLA award that the case manager took account of changes immediately before the move to Scotland; and
- this change occurs after the initial determination without application is made.

Although this change in DLA award which the individual was entitled to immediately before the date of transfer must occur after the move and after Social Security Scotland make the initial determination without application, the change in the DLA award will relate to a period immediately before the move when the individual was entitled to DLA.

21. The change in DLA award must be as a result of<sup>1</sup>:

- the DWP or DfC deciding to revise or supersede the DLA award;
- the individual successfully appealing the DLA award to a Tribunal or a Social Security Commissioner; or
- the DWP or DfC deciding to reconsider the DLA award.

*1 Scottish Adult DLA regs, Reg 43(d)*

22. Entitlement to Scottish Adult DLA begins on the day after the day on which the individual's entitlement to DLA ended<sup>1</sup>.

## **When an individual in receipt of Scottish Adult DLA moves to another part of the UK**

23. Individuals who move permanently away from Scotland to another part of the UK continue to be paid Scottish Adult DLA for 13 weeks after the move. This period is called the run-on period.

1 Scottish Adult DLA regs, Reg 48(1)

24. The individual must have been ordinarily resident in Scotland immediately before the move and, as a result of the move, be ordinarily resident in another part of the UK and no longer ordinarily resident in Scotland. The individual should be treated as though they are ordinarily resident in Scotland for 13 weeks following the move. The 13-week period commences on the date they cease to be resident in Scotland.
25. If an individual moves away from Scotland to another part of the UK while in legal detention, and the move is as a result of their legal detention, they would not receive the 13-week run on payment. This is because their ordinary residence has not changed due to the move not being a voluntary change of residence. In these cases, individuals remain subject to £0 rating once they have been in legal detention for 28 days.
26. When an individual moves from Scotland to somewhere else in the UK, the case manager should take into account whether that person is moving to alternative accommodation. If the person is moving to alternative accommodation in another part of the UK, case managers should consider whether the Scottish Adult DLA award should be £0 rating once they have been in alternative accommodation for 28 days. This depends on the type of alternative accommodation and whether regulation 55 (Individuals in respect of whom Scottish Adult Disability Payment is paid at the time of moving to another part of the United Kingdom) applies to the individual. Case managers should therefore consider the chapter on alternative accommodation in these cases.

### **Example: Person moving to alternative accommodation in another part of the UK**

Harriet is 76 years old and receives Scottish Adult DLA. She lives in Edinburgh and is entitled to the highest rate of the care component. On 2nd June 2026 she moves into a care home in Berwick-Upon-Tweed. At this point her 13-week period of being considered resident in Scotland begins.

She continues to receive Scottish Adult DLA at her existing rate for the first 28 days. From 30th June 2026 the value of her Scottish Adult DLA payments is reduced to £0 while she remains in the care home. If she remains in the care home, the value of her payments will remain at £0 until her entitlement to Scottish Adult DLA ends after the 13-week period on 1st September 2026.

If she leaves the care home on or before 28th July 2026, but continues to be resident in England, her payments for Scottish Adult DLA increase back to the

highest rate of the care component. She will receive this rate until 1st September 2026, when her 13-week period of being considered still resident in Scotland ends, and she will no longer be eligible for Scottish Adult DLA.

## **When the individual notifies Social Security Scotland in advance of the move**

27. The run-on period begins on the day that the individual ceases to be ordinarily resident in Scotland, regardless of when an individual tells Social Security Scotland about the move<sup>1</sup>.

*1 Scottish Adult DLA regs, Reg 48(4)*

28. The run-on period lasts for 13 weeks. This means the individual will continue to receive Scottish Adult DLA for 13 weeks beginning on the day the individual ceases to be resident in Scotland.

29. The case manager must make a determination without application at the end of this 13-week run-on period, in order to terminate the individual's entitlement to assistance<sup>1</sup>.

*1 Scottish Adult DLA regs, Reg 48(2)*

## **An individual cancels the move after they have told Social Security Scotland that they are moving**

30. An individual might cancel their plan to move from Scotland to another part of the UK. If this happens, Social Security Scotland should treat the individual as if they had never told Social Security Scotland that they were moving. This means there is no requirement to make a determination without application<sup>1</sup>.

*1 Scottish Adult DLA regs, Reg 48(3)*

31. Individuals should only be treated as if they had never told Social Security Scotland about the move if:

- they are going to continue to be ordinarily resident in Scotland; and
- they told Social Security Scotland about the cancelled move less than 13 weeks after they told Social Security Scotland about the move.

## **When an individual notifies Social Security Scotland more than 13 weeks after the move**

32. Any payment to the individual for a day after 13 weeks of the move is treated as an overpayment<sup>1</sup>. This means that the case manager should apply the rules in the 'When a change in entitlement should begin if the individual was overpaid' section of the chapter 'When a previous determination is based on an error'. The Payment Errors chapter contains guidance on what to do if an individual has been overpaid.

*1 Scottish Adult DLA regs, Reg 48(5)(b)*

33. These rules require the case manager to make an unscheduled review based on the change of circumstances . The unscheduled review should determine that the individual's entitlement to assistance stopped 13 weeks after the date when the individual became resident in another part of the UK.

**[End of chapter]**