

**POLICY NOTE TO**  
**THE WELFARE REFORM (CONSEQUENTIAL AMENDMENTS) (SCOTLAND)**  
**(No.3) REGULATIONS 2013**

**SSI 2013/142**

1. The above instrument is made in exercise of the powers conferred by sections 12(3), 17(2B) and 42 of the Legal Aid (Scotland) Act 1986 and sections 1 to 3 of the Welfare Reform (Further Provision) (Scotland) Act 2012. The instrument is subject to negative resolution procedure.
2. Certain of the amendments in the instrument deal with AFIP (see paragraph 4 below). That benefit has been introduced in consequence of the abolition of disability living allowance by Part 4 of the Welfare Reform Act 2012 and is the broad equivalent for certain ex/service personnel of Personal Independence Payment. Accordingly, the view of the Scottish Government is that the amendments dealing with AFIP are within the powers conferred by section 2 of the Welfare Reform (Further Provision) (Scotland) Act 2012, as read with section 3(2)(b) of that Act.

**Policy Objectives**

3. The main purpose of this instrument is to make consequential amendments, further to those made in the Welfare Reform (Consequential Amendments) (Scotland) Regulations 2013 to reflect the transition from Disability Living Allowance to the new Personal Independence Payment (PIP) so as to allow disability related passported benefits to be claimed in Scotland following the introduction of PIP.
4. It also makes consequential amendments to allow for the introduction of the Armed Forces Independence Payment (AFIP), a new UK Government benefit which will be payable to the most seriously injured ex/service personnel.
5. Regulations 3 and 7 also make amendments so that payments from the Scottish Welfare Fund will be disregarded when assessing the disposable income or disposable capital of a person who wishes to receive advice and assistance, or civil legal aid. Such payments are also brought within the category of payments which do not have to be utilised to pay solicitors' fees where the legal advice and assistance or civil legal aid provided results in Welfare Fund payments being obtained or retained.
6. Regulation 9(2) and (3) also makes further minor consequential amendments to the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 to ensure dependants of universal credit recipients are remitted from health charges.

**Commencement date**

7. The date of commencement of these Regulations is 11 June 2013.

## **Consultation**

8. The Scottish Government ran a formal consultation exercise on its approach to passported benefits which closed in September 2012. We also held informal consultation events with a range of stakeholders. The primary focus of stakeholders from this consultation activity was the need to protect entitlement to passported benefits as far as possible.

9. There has been limited informal consultation with stakeholders regarding the consequential amendments to take account of the introduction of AFIP. AFIP recipients would in all likelihood have qualified for DLA or PIP and the amendments being made to Scottish legislation are primarily procedural.

## **Impact Assessments**

10. Given the diverse nature of the changes proposed in these Regulations, it is problematic to assess overall impacts. Impact assessments for the individual policy areas affected will be published on the Scottish Government website where appropriate.

## **Financial Effects**

11. The financial effects of these Regulations are minimal. The passported benefits changes seek to maintain existing arrangements. AFIP will be claimed by ex/service personnel who would almost certainly have qualified for DLA and PIP, therefore we are not creating any new claimant groups through the amendments in question.

Scottish Government – Housing, Regeneration and Welfare Directorate

May 2013