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STATUTORY INSTRUMENTS

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**2021 No. 804**

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

**PART 2**

Amendment of primary legislation: England and Wales, and Scotland

*Prevention of overlapping payments: Disability Living Allowance and Personal Independence Payment*

**Amendment of the Social Security Contributions and Benefits Act 1992**

- 2.**—(1) The Social Security Contributions and Benefits Act 1992<sup>(1)</sup> is amended as follows.
- (2) In section 71 (disability living allowance)<sup>(2)</sup>, after subsection (6) insert—
- “(7) A person shall not be entitled to a disability living allowance while they are entitled to Child Disability Payment.”.
- (3) In section 122 (interpretation of Parts I to VI and supplementary provisions)<sup>(3)</sup>, after the definition of “child” insert—
- ““Child Disability Payment” means assistance under regulation 3 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021<sup>(4)</sup>.”.

**Amendment of the Welfare Reform Act 2012**

- 3.**—(1) The Welfare Reform Act 2012<sup>(5)</sup> is amended as follows—
- (2) After section 77(3) (personal independence payment) insert—
- “(4) A person is not entitled to personal independence payment while they are entitled to Child Disability Payment.”.
- (3) In section 95 (interpretation of Part 4), before the definition of “daily living activities” insert—
- ““Child Disability Payment” means assistance under regulation 3 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”.

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(1) 1992 c. 4.

(2) Section 71(3) was amended by section 67(1) of the Welfare Reform and Pensions Act 1999 (c. 30).

(3) In section 122, the definition of “child” was substituted by Schedule 1, Part 1, paragraphs 1, 8(1) and (2) of the Child Benefit Act 2005 (c. 6). There are other amendments to section 122 not relevant to these Regulations.

(4) S.S.I. 2021/174.

(5) 2012 c. 5.