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Social Justice and Social Security Committee

Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025 [draft]



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Social Justice and Social Security Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants' rights.



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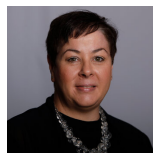
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Introduction

1. This report sets out the Social Justice and Social Security Committee's consideration of the Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025 [draft] at its meeting on 18 September 2025.
2. The [minutes](#) of the meeting have been published on the Committee's web page. [The Official Report](#) of the meeting is available on the Scottish Parliament's website.

Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025 [draft]

3. The Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025 [draft] were laid on 24 June 2025. This instrument is subject to the affirmative procedure, which means it is for the Committee to recommend to the Parliament whether the draft regulations should be approved.
4. According to the [Policy Note](#), the purpose of the instrument is to amend the regulations relating to: Child Disability Payment (CDP); Adult Disability Payment (ADP); Pension Age Disability Payment (PADP); Carer Support Payment (CSP), and Scottish Adult Disability Living Allowance (DLA). It also includes technical updates to other social security benefits administered by Social Security Scotland.
5. Individuals moving to Scotland from the rest of the UK who were receiving a corresponding benefit from the DWP (England and Wales) or DfC (Northern Ireland) must submit a new application for the equivalent Scottish benefit. Awards are backdated to the day after their DWP/DfC award ends. For the Scottish Adult DLA, individuals must request a determination instead as this benefit does not accept new applications.
6. The previous cross-border provisions are retained for individuals who move and notify Scottish Ministers before the regulations come into force—they will continue to be transferred without a new application. Where Scottish Ministers are satisfied there is a good reason for a missed deadline, they may still accept and backdate the application.

Consideration by the Delegated Powers and Law Reform Committee

7. The Delegated Powers and Law Reform Committee (DPLR) considered the Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendment) (Scotland) Regulations 2025 [draft] on [2 September 2025](#) and reported on it in its [57th report, 2025](#) and raised no points in relation to the instrument.

Consideration by the Social Justice and Social Security Committee

8. At its meeting on 18 September 2025, the Social Justice and Social Security Committee heard from Shirley-Anne Somerville, Cabinet Secretary for Social Justice and supporting Scottish Government officials.
9. In her opening statement, the Cabinet Secretary told the Committee that the regulations ensure that people moving to Scotland from the rest of the UK, while receiving equivalent reserved benefits, can continue to receive support without a gap in entitlement. Although automatic transfer from the Department for Work and Pensions (DWP) was not possible due to data-sharing limitations, new processes (supported by backdating, interim DWP payments, and streamlined applications) are designed to minimise disruption for around 300 people per month. Additional provisions cover Carer Support Payment, Scottish Adult DLA, and technical amendments across other benefits, with commencement from 6 November 2025 (and from 23 February 2026 for PADP and Scottish Adult DLA).
10. During the evidence session, Members questioned why data sharing between the DWP and Social Security Scotland has not been possible and what impact this lack of data sharing will have on disabled people and carers. Members also sought clarity on the steps adults receiving DLA must take if they move to Scotland to secure Scottish Adult DLA, and asked for an update on ongoing discussions between the Scottish Government and the DWP around data sharing in cases where the person has a terminal illness.
11. The Cabinet Secretary explained that the DWP has been unprepared to share data with the Scottish Government. For the Scottish Adult DLA, claimants will be directed to a cross-border form. In cases where the person has a terminal illness, the Cabinet Secretary confirmed that the Scottish Government has not been able to reach an agreement with the DWP on data sharing. The Cabinet Secretary added that the DWP has agreed to confirm with Social Security Scotland when a client is registered with it as eligible for special rules for terminal illness, and that will allow Social Security Scotland to confirm that status without needing to seek confirmation from the client.
12. Following the evidence session, the Cabinet Secretary for Social Justice moved motion S6M-18126. The motion was agreed to without division.

Recommendation

13. The Social Justice and Social Security Committee recommends that the Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025 [draft] be approved.

