
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

The Disability Assistance for Working
Age People (Scotland) Regulations 2022

PART 20

Transitory provision

Transitory provision – initial period for applications

64.—(1) During the initial period for applications, in addition to meeting the residence and presence conditions in Part 5, an individual must be resident in one of the local authority areas specified in relation to the relevant phase of that period in paragraph 6 of Part 2 of schedule 2 on the date their application is received by the Scottish Ministers.

(2) In this regulation and in Part 2 of schedule 2, “initial period for applications” means the period beginning with 21 March 2022 and ending with 29 August 2022.

(3) The initial period for applications comprises three phases—

- (a) phase 1, beginning with 21 March 2022 and ending with 19 June 2022,
- (b) phase 2, beginning with 20 June 2022 and ending with 24 July 2022, and
- (c) phase 3, beginning with 25 July 2022 and ending with 29 August 2022.

Exclusion to transitory provision

65.—(1) An individual who has made a claim for Personal Independence Payment prior to 21 March 2022 which has not yet been decided is not entitled to be paid Adult Disability Payment during the initial period for applications.

(2) In paragraph (1) a claim for Personal Independence Payment is decided if it has—

- (a) been decided by the Secretary of State under section 8 (decisions by Secretary of State) of the Social Security Act 1998(1),
- (b) been withdrawn in accordance with regulation 31 (withdrawal of claim) of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013(2), or
- (c) otherwise is no longer to be decided by the Secretary of State as mentioned in subparagraph (a).

(1) 1998 c. 14. Section 8 was relevantly amended by paragraph 39 of schedule 9 and paragraph 1 of schedule 14 of the Welfare Reform Act 2012 (c. 5) and paragraph 22(3) of schedule 7 and paragraph 1 of schedule 10 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(2) S.I. 2013/380.