
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

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

PART 10

Determination of entitlement to Adult Disability Payment without application

Determination following change of circumstances etc.

48. The Scottish Ministers must make a determination of an individual's entitlement to Adult Disability Payment, without receiving an application, where the individual has an ongoing entitlement to Adult Disability Payment and they become aware—

- (a) of a change of circumstances, whether or not notified by the individual in accordance with section 56 of the 2018 Act, or where the Scottish Ministers become aware that a determination of an individual's entitlement was made in ignorance of a material fact, which would possibly result in an alteration to the component or rate of Adult Disability Payment payable to the individual or which is likely to mean that the individual is no longer entitled to Adult Disability Payment,
- (b) that the individual has died,
- (c) of an alteration of the component or rate of award of Personal Independence Payment which the individual was entitled to immediately before the date of transfer to Adult Disability Payment in accordance with Part 3 of schedule 2 (transitional provisions) as a result of a decision made pursuant to—
 - (i) a revision under Part 2 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013⁽¹⁾,
 - (ii) a supersession under Part 3 of those Regulations,
 - (iii) an appeal under section 12 of the Social Security Act 1998 ("the 1998 Act")⁽²⁾,
 - (iv) a re-consideration under section 13 of the 1998 Act ⁽³⁾, or
 - (v) an appeal to the Upper Tribunal under section 14 of the 1998 Act⁽⁴⁾,
 - (vi) a revision under article 10 of the Social Security (Northern Ireland) Order 1998 ⁽⁵⁾ ("the 1998 Order"),

(1) [S.S.I. 2013/381](#).

(2) [1998 c. 14](#). Section 12 was amended by paragraph 25 of schedule 7 and paragraph 1 of schedule 10 of the Social Security Contributions (Transfer of Functions, etc.) Act [1999 \(c. 2\)](#), [S.I. 2008/2833](#), sections 102 and 105 of the Welfare Reform Act [2012 \(c. 5\)](#) and [S.I. 2014/886](#).

(3) Section 13 was amended by paragraph 26 of schedule 7 of the Social Security Contributions (Transfer of Functions, etc.) Act [1999 \(c. 2\)](#) and [S.I. 2008/2833](#).

(4) Section 14 was amended by paragraph 1 of schedule 10 of the Social Security Contributions (Transfer of Functions, etc.) Act [1999 \(c. 2\)](#) and [S.I. 2008/2833](#).

(5) [S.I. 1998/1506 \(N.I.10\)](#). Article 10 was amended by [S.I. 2015/2006](#).

- (vii) a supersession under article 11 of the 1998 Order⁽⁶⁾,
 - (viii) an appeal under article 13 of the 1998 Order⁽⁷⁾, or
 - (ix) an appeal to the Commissioner under article 15 of the 1998 Order⁽⁸⁾,
- (d) of an alteration of the component or rate of award of Personal Independence Payment which the individual was entitled to immediately before moving to Scotland in circumstances in which regulation 52 (individuals in respect of whom Personal Independence Payment is paid in another part of the United Kingdom immediately before moving to Scotland) applies, as a result of a decision made pursuant to—
- (i) a revision under Part 2 of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013,
 - (ii) a supersession under Part 3 of those Regulations,
 - (iii) an appeal under section 12 of the Social Security Act 1998 (“the 1998 Act”),
 - (iv) a re-consideration under section 13 of the 1998 Act,
 - (v) an appeal to the Upper Tribunal under section 14 of the 1998 Act,
 - (vi) a revision under article 10 of the Social Security (Northern Ireland) Order 1998 (“the 1998 Order”),
 - (vii) a supersession under article 11 of the 1998 Order,
 - (viii) an appeal under article 13 of the 1998 Order, or
 - (ix) an appeal to the Commissioner under article 15 of the 1998 Order.

⁽⁶⁾ Article 11 was amended by S.I. 1999/671 and S.I. 2015/2006.

⁽⁷⁾ Article 13 was amended by S.I. 1999/671, S.I. 2014/886, and 2015/2006.

⁽⁸⁾ Article 15 was amended by paragraph 22(1) of schedule 7 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4) and S.I. 1999/671.