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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2022 No.**

The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022

PART 1

Introductory and interpretation

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 and come into force on 29 August 2022.

(2) These Regulations extend to Scotland only.

**Interpretation**

2. In Parts 1, 2 and 3 of these Regulations—

“the 2018 Act” means the Social Security (Scotland) Act 2018,

“the ADP Regulations” means the Disability Assistance for Working Age People (Scotland) Regulations 2022(1),

“Adult Disability Payment” means disability assistance for adults given in accordance with the ADP Regulations,

“date of transfer” means the date when a transferring individual’s entitlement to Adult Disability Payment begins by virtue of a transfer determination,

“daily living component of Adult Disability Payment” has the same meaning as “daily living component” in regulation 2 of the ADP Regulations,

“Disability Living Allowance” means a disability living allowance under section 71 of the Social Security Contributions and Benefits Act 1992(2),

“mobility component of Adult Disability Payment” has the same meaning as “mobility component” in regulation 2 of the ADP Regulations,

“notice of intention to transfer” means the notice required by regulation 3,

“relevant individual” means an individual who—

(a) has an award of Disability Living Allowance who appears to the Scottish Ministers to be likely to be eligible for Adult Disability Payment—

(i) who has—

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(1) [S.S.I. 2022/54](#).

(2) [1992 c. 4](#). Section 71 was amended by section 67(1) of the Welfare reform and Pensions Act [1999 \(c. 30\)](#).

- (aa) notified a change of circumstances in terms of regulation 32 of the Social Security (Claims and Payments) Regulations 1987<sup>(3)</sup>, or
  - (bb) made a claim for personal independence payment in terms of regulation 4 of the Personal Independence Payment (Transitional Provisions) Regulations 2013<sup>(4)</sup>,
  - (ii) whose award is due to be renewed, or
  - (iii) who has requested to be transferred to Adult Disability Payment after 29 August 2022,
  - (b) was aged 16 years old or older but under 65 years old on 8 April 2013,
  - (c) is—
    - (i) ordinarily resident in Scotland, or
    - (ii) someone to whom regulation 15(3) (residence and presence conditions), regulation 17(1) (serving members of Her Majesty’s forces, civil servants and their family members) or regulation 20(2) of the ADP Regulations (persons residing outside the United Kingdom to whom a relevant EU Regulation applies) applies,
- “review determination” means the determination required by regulation 12(1),
- “transfer determination” means the determination required by regulation 4(1),
- “transferred individual” means an individual whose entitlement to Adult Disability Payment is given under a transfer determination, and
- “transferring individual” means an individual on whom the Scottish Ministers have served a notice of intention to transfer in accordance with regulation 3.

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(3) S.I. 1987/1968, amended by S.I. 1995/2303, S.I. 1999/3108, S.I. 2002/3019, S.I. 2003/1050, S.I. 2003/1632, S.I. 2003/2274, S.I. 2003/3209, S.I. 2008/1554, S.I. 2008/1599, S.I. 2012/824 and S.I. 2017/1015.

(4) S.I. 2013/387. Regulation 4 was substituted by S.I. 2013/2689.