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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 3

Review of entitlement to Adult Disability Payment

**Review determination without application of entitlement to Adult Disability Payment**

**12.**—(1) The Scottish Ministers are to make a determination in respect of a transferred individual, without receiving an application, of that individual's entitlement to Adult Disability Payment within the period of 12 months beginning with the date of that individual's notice of intention to transfer.

(2) Paragraph (1) does not apply—

- (a) to transferred individuals to whom regulation 9 applies, or
- (b) where a transferred individual has requested a re-determination under section 41 of the 2018 Act, or made an appeal under section 46 of the 2018 Act, in relation to the transfer determination.

(3) Subject to regulations 15 (when an increase in level of entitlement takes effect) and 16 (when a decrease in level or cessation of entitlement takes effect), entitlement to Adult Disability Payment under a determination under paragraph (1) begins on the date specified in the notice of determination given to the transferred individual in accordance with section 40 of the 2018 Act.

(4) The determination under paragraph (1) is to be made on the basis of any information that—

- (a) the Scottish Ministers have received from the Secretary of State for Work and Pensions in respect of the transferred individual's entitlement to Disability Living Allowance,
- (b) the Scottish Ministers requested from the transferred individual, and
- (c) is available to the Scottish Ministers that appears to them to be relevant.