
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2024 No.

**The Disability Assistance for Older
People (Scotland) Regulations 2024**

PART 16

Transitory Provision

Transitory provision – initial period for applications

50.—(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 the schedule on the date their application is received by the Scottish Ministers.

(2) In this regulation and in Part 2 of the schedule, “initial period for applications” means the period beginning with 21 October 2024 and ending with 21 April 2025.

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

- (a) phase 1, beginning with 21 October 2024 and ending with 23 March 2025, and
- (b) phase 2, beginning with 24 March 2025 and ending with 21 April 2025.

Exclusion to transitory provision

51.—(1) An individual who has made a claim for Attendance Allowance prior to 21 October 2024 which has not yet been decided is not entitled to be paid Pension Age Disability Payment during the initial period for applications.

(2) In paragraph (1) a claim for Attendance Allowance 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- (b) been withdrawn in accordance with regulation 5(2) of the Social Security (Claims and Payments) Regulations 1987(2), or
- (c) otherwise is no longer to be decided by the Secretary of State as mentioned in subparagraph (a).

(1) 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. 1987/1968.