
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 31

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

Transitional provision – extinguishment of right to apply for Personal Independence Payment

20.—(1) No person may claim personal independence payment who is aged 16 years or older and—

- (a) during the initial period for applications for adult disability payment—
 - (i) in phase 1 is resident in the local authority area of Perthshire and Kinross, City of Dundee or Western Isles,
 - (ii) in phase 2 is resident in the local authority area of Perthshire and Kinross, City of Dundee, Western Isles, Angus, North Lanarkshire or South,
 - (iii) in phase 3 is resident in the local authority area of Perthshire and Kinross, City of Dundee, Western Isles, Angus, North Lanarkshire, South Lanarkshire, Fife, City of Aberdeen, Aberdeenshire, Moray, North Ayrshire, East Ayrshire or South Ayrshire, or
- (b) after the expiry of the initial period for applications—
 - (i) is resident in Scotland, or
 - (ii) is a person to whom regulation 15(3) (residence and presence conditions – individuals resident in Ireland), regulation 17 (serving members of Her Majesty’s forces, civil servants and their family members) or regulation 20 (persons residing outside the United Kingdom to whom a relevant EU regulation applies) of the Adult Disability Payment Regulations applies.
- (2) During the initial period for applications, paragraph (1) does not apply to a person—
 - (a) who was born after 8 April 1948,
 - (b) who has an award of disability living allowance, and
 - (c) to whom any of the following provisions of the PIP Transitional Regulations apply—
 - (i) regulation 3(1) (invitations to persons entitled to disability living allowance to claim personal independence payment), where the person’s award of disability living allowance is—
 - (aa) subject to a scheduled review, or
 - (bb) for a fixed term period which is due to come to an end,
 - (ii) regulation 3(5), where the person has reported a change of circumstances,
 - (iii) regulation 4 (claims by persons entitled to disability living allowance for personal independence payment other than by invitation), where the person voluntarily makes a claim for personal independence payment.
- (3) During the initial period for applications, paragraph (1) does not apply to a person—

- (a) who has an award of personal independence payment, and
 - (b) to whom regulation 33(2) (advance claim for and award of personal independence payment) of the PIP (Claims and Payments) Regulations applies, where the person makes a further claim for personal independence payment during the period of 6 months mentioned in that regulation.
- (4) After the initial period for applications, paragraph (1) does not apply to a person—
- (a) who was born after 8 April 1948,
 - (b) who has an award of disability living allowance, and
 - (c) to whom regulation 3(1) of the PIP Transitional Regulations applies, where the person received the invitation mentioned in that regulation prior to the end of the initial period for applications.
- (5) In this regulation—
- “adult disability payment” means disability assistance for adults given in accordance with the Adult Disability Payment Regulations,
- “Adult Disability Payment Regulations” means the Disability Assistance for Working Age People (Scotland) Regulations 2022(1),
- “disability living allowance” means a disability living allowance under section 71 of the Social Security Contributions and Benefits Act 1992(2),
- “initial period for applications” means the period referred to in regulation 64 (transitory provision– initial period for applications) of the Adult Disability Payment Regulations, beginning with 21 March 2022 and ending with 29 August 2022 and references to phases of that period are to be construed in accordance with regulation 64(3) of those Regulations,
- “personal independence payment” means personal independence payment under—
- (a) Part 4 of the Welfare Reform Act 2012(3), or
 - (b) article 82 of the Welfare Reform (Northern Ireland) Order 2015(4),
- “PIP (Claims and Payments) Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013(5), and
- “PIP Transitional Regulations” means the Personal Independence Payment (Transitional Provisions) Regulations 2013(6).

(1) S.S.I. 2022/54.

(2) 1992 c. 4, amended by section 67(1) of the Welfare Reform and Pensions Act 1999 (c. 30) and S.I. 2021/804.

(3) 2012 c. 5.

(4) S.I. 2015/2006 (N.I. 1).

(5) S.I. 2013/380.

(6) S.I. 2013/387, relevantly amended by S.I. 2013/2689 and S.S.I. 2020/218.