

## SCOTTISH STATUTORY INSTRUMENTS

### 2022 No. 54

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

## PART 11

### Movement of individuals between Scotland and the rest of the United Kingdom

#### **Individuals in respect of whom Personal Independence Payment is paid in another part of the United Kingdom immediately before moving to Scotland**

52.—(1) Where an individual—

- (a) becomes resident in Scotland,
- (b) was resident in another part of the United Kingdom, and
- (c) was entitled to Personal Independence Payment immediately before the date of the move,

the Scottish Ministers are to make a determination without application of the individual's entitlement to Adult Disability Payment.

(2) Entitlement to Adult Disability Payment under paragraph (1) begins on the day after the day on which the individual's entitlement to Personal Independence Payment ends.

(3) In this regulation, "the date of the move" is the date when the individual becomes resident in Scotland, as notified by the individual or otherwise communicated to the Scottish Ministers (whether the notification takes place before or after the date of the move).

#### **Commencement Information**

**11** [Reg. 52](#) in force at 21.3.2022, see [reg. 1](#)

#### **Individuals in respect of whom Adult Disability Payment is paid at the time of moving to another part of the United Kingdom**

53.—(1) Where the Scottish Ministers become aware that an individual who is entitled to Adult Disability Payment has moved or is to move to become resident in another part of the United Kingdom, the individual is to be treated as though the individual meets the condition under regulation 15(1)(a) of being ordinarily resident in Scotland for a period of 13 weeks beginning in accordance with paragraph (4).

(2) Subject to Part 8 (effect of time spent in care homes, hospital and legal detention), where the Scottish Ministers become aware that an individual has moved or is to move to another part of the United Kingdom mentioned in paragraph (1), they are to make a determination without application at the end of the 13 week period mentioned in paragraph (1) that the individual's entitlement to Adult Disability Payment is to terminate.

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**Changes to legislation:** *The Disability Assistance for Working Age People (Scotland) Regulations 2022, PART 11 is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(3) Where before the end of the 13-week period, the Scottish Ministers become aware that the individual is no longer to move to become resident in another part of the United Kingdom, the duty in paragraph (2) does not apply.

(4) The 13-week period mentioned in paragraph (1) begins on the date the individual ceases to be ordinarily resident in Scotland.

(5) On the day after the 13-week period specified in paragraph (4) ends—

- (a) entitlement to Adult Disability Payment ceases, and
- (b) regulation 50 (determination following error – overpayments) applies to any Adult Disability Payment paid to an individual in relation to a period after the end of that 13-week period.

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**Commencement Information**

**I2** [Reg. 53](#) in force at 21.3.2022, see [reg. 1](#)

**Changes to legislation:**

The Disability Assistance for Working Age People (Scotland) Regulations 2022, PART 11 is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 4(ba) inserted by [S.S.I. 2024/141 reg. 12\(3\)](#)
- reg. 26(12)(a)(iia) inserted by [S.S.I. 2024/141 reg. 12\(4\)](#)