
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

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

PART 3

Eligibility: Daily Living Component and Mobility Component

Scoring: further provision

10.—(1) The descriptor which applies to an individual in relation to each activity in the tables referred to in regulations 8(2) and 9(2) is—

- (a) where one descriptor is satisfied on over 50% of the days of the required period, that descriptor,
- (b) where two or more descriptors are each satisfied on over 50% of the days of the required period, the descriptor which scores the higher or highest number of points, and
- (c) where no descriptor is satisfied on over 50% of the days of the required period but two or more descriptors (other than a descriptor which scores 0 points) are satisfied for periods which, when added together, amount to over 50% of the days of the required period—
 - (i) the descriptor which is satisfied for the greater or greatest proportion of days of the required period, or
 - (ii) where both or all descriptors are satisfied for the same proportion, the descriptor which scores the higher or highest number of points.

(2) For the purposes of paragraph (1), a descriptor is satisfied on a day in the required period if the descriptor has been satisfied for any part of the day which is not minimal or fleeting.

(3) In these Regulations, “required period” means—

- (a) where an individual’s entitlement to Adult Disability Payment falls to be determined, the period of 13 weeks ending with the relevant date together with—
 - (i) in relation to an application after an interval (see regulations 14 and 23), the period of 39 weeks beginning with the date on which that application is made,
 - (ii) in relation to any other application, the period of 39 weeks beginning with the day after the relevant date.
- (b) where Adult Disability Payment has been awarded to an individual—
 - (i) during the period of 13 weeks following a determination of entitlement in the circumstances where regulation 14 or 23 applies, the period of 13 weeks ending with the relevant date together with, for each day of the award, the period of 39 weeks beginning with the day after each day of the award,
 - (ii) in any other case, for each day of the award, the period of 13 weeks ending with that day of the award together with the period of 39 weeks beginning with the day after that date.