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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2022 No.**

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

PART 9

Making of applications and payments and duration of eligibility

**Circumstances in which assistance may be suspended**

**38.**—(1) The Scottish Ministers may decide that an individual who has an ongoing entitlement to Adult Disability Payment in respect of a period by virtue of regulation 37 (continuing eligibility) is not to become entitled to be given some or all of either component or both components of that assistance at the time at which the individual otherwise would in accordance with that regulation, as read with regulation 36 (time of payment) (referred to in these Regulations as a decision to suspend the individual’s Adult Disability Payment).

(2) Where such a decision is made in respect of an individual, payments of Adult Disability Payment to that individual are to be suspended until such a time as the Scottish Ministers decide that the individual is once again to become entitled to be given Adult Disability Payment.

(3) The Scottish Ministers may decide to suspend an individual’s Adult Disability Payment only in the circumstances where—

- (a) section 54(1A) of the 2018 Act<sup>(1)</sup> applies, or
- (b) the Scottish Ministers have made arrangements (whether under section 85A of the 2018 Act, section 85B of the 2018 Act<sup>(2)</sup> or otherwise) for a person to receive the Adult Disability Payment on the individual’s behalf, and the Scottish Ministers consider that it is necessary to suspend the Adult Disability Payment—
  - (i) in order to protect the individual from the risk of financial abuse, or
  - (ii) because the person with whom the Scottish Ministers have made arrangements is unable to continue to receive the Adult Disability Payment.

(4) In this regulation, “financial abuse” includes—

- (a) having money or other property stolen,
- (b) being defrauded,
- (c) being put under pressure in relation to money or other property,
- (d) having money or other property misused.

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(1) 2018 asp 9. Section 54(1A) was inserted by section 12(3)(b) of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (asp 18).

(2) Section 85A was inserted by section 1(2) of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (asp 18). Section 85B was inserted by section 2(4) of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (asp 18).

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Disability Assistance for Working Age People (Scotland) Regulations 2022 No. 54*

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