

*Status: Point in time view as at 21/03/2022.*

*Changes to legislation: The Disability Assistance for Working Age People (Scotland) Regulations 2022, PART 4 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)*

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## SCOTTISH STATUTORY INSTRUMENTS

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# 2022 No. 54

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

### PART 4

#### Required Period Condition

##### Required Period Condition: daily living component

11. An individual meets the required period condition for the purposes of regulation 5 where, if the individual's ability to carry out the daily living activities were determined every day in the required period, it is likely that the Scottish Ministers would determine on all of those days that the individual had limited or, as the case may be, severely limited ability to carry out the daily living activities.

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##### Commencement Information

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

##### Required Period Condition: mobility component

12. An individual meets the required period condition for the purposes of regulation 6 where, if the individual's ability to carry out the mobility activities were determined every day in the required period, it is likely that the Scottish Ministers would determine on all of those days that the individual had limited or, as the case may be, severely limited ability to carry out the mobility activities.

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##### Commencement Information

12 [Reg. 12](#) in force at 21.3.2022, see [reg. 1](#)

##### The relevant date

13. Except where regulation 14 or 23 applies, in these Regulations, the “relevant date” is—
- (a) where the individual has made an application for Adult Disability Payment which has not been determined—
    - (i) the date of that application, or
    - (ii) if later, the earliest date in relation to which, if the individual's ability to carry out daily living activities or, as the case may be, mobility activities, had been determined on every day in the previous 13 weeks, it is likely that the Scottish Ministers would have determined on all of those days that the individual has limited ability or, as the case may be, severely limited ability to carry out those activities, and

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- (b) where the individual has an award of either or both components, each day of that award.

#### Commencement Information

**I3** Reg. 13 in force at 21.3.2022, see [reg. 1](#)

#### The relevant date: Adult Disability Payment after an interval

**14.**—(1) This regulation does not apply where regulation 23 (Adult Disability Payment after an interval and after reaching the relevant age) applies.

(2) Paragraphs (3) and (4) apply where—

- (a) an individual makes an application for Adult Disability Payment (“the application”),
- (b) that individual had a previous award of—
  - (i) Adult Disability Payment,
  - (ii) Child Disability Payment,
  - (iii) Disability Living Allowance, or
  - (iv) Personal Independence Payment,

which ended not more than two years before the date on which the application is made,

- (c) the previous award referred to in sub-paragraph (b) consisted of the same component as the one to which the individual is entitled (or would be entitled if the individual met the required period condition) under the application, and
- (d) the Scottish Ministers determine that the entitlement under the application results from—
  - (i) substantially the same physical or mental condition or conditions for which the previous award was made, or
  - (ii) a new physical or mental condition or conditions which developed as a result of a condition for which the previous award was made.

(3) In relation to determination of entitlement under the application, the relevant date for the purpose of regulation 10(3) is the date on which the previous award ended.

(4) Where an individual is awarded either or both components under the application, in relation to continued entitlement to that component or, as the case may be, those components, the relevant date for the purpose of regulation 10(3) is—

- (a) during the period of 13 weeks following the date of the application, the date on which the previous award ended,
- (b) in any other case, each day of the award.

(5) For the purposes of this regulation—

- (a) an award of any of the following is to be treated as though it were an award of the daily living component of Adult Disability Payment—
  - (i) the care component of Child Disability Payment,
  - (ii) the care component of Disability Living Allowance, or
  - (iii) the daily living component of Personal Independence Payment,
- (b) an award of any of the following is to be treated as though it were an award of the mobility component of Adult Disability Payment—
  - (i) the mobility component of Child Disability Payment,
  - (ii) the mobility component of Disability Living Allowance, or

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(iii) the mobility component of Personal Independence Payment.

**Commencement Information**

**I4** [Reg. 14](#) in force at 21.3.2022, see [reg. 1](#)

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