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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 6

Entitlement under rules relating to age

**Exceptions: Adult Disability Payment after an interval and after reaching the relevant age**

- 23.**—(1) This regulation applies where—
- (a) an individual has reached the relevant age,
  - (b) the individual makes an application for Adult Disability Payment and—
    - (i) they had a previous award of Adult Disability Payment which ended not more than one year before the day the new application is made, or
    - (ii) they had a previous award of Personal Independence Payment or Disability Living Allowance which ended not more than one year before the day the new 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 they met the required period condition) under the new application, and
  - (d) the Scottish Ministers determine that the entitlement under the new 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.
- (2) Where an application for Adult Disability Payment is made in terms of paragraph (1)—
- (a) regulation 22(1)(b) does not apply, and
  - (b) paragraphs (5) and (6) apply to the determination of entitlement under the new application.
- (3) In relation to determination of entitlement under the new 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 new 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 new application, the date on which the previous award ended,
  - (b) in any other case, each day of the award.
- (5) Where the Scottish Ministers determine that the individual has severely limited ability to carry out mobility activities—

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**Changes to legislation:** *The Disability Assistance for Working Age People (Scotland) Regulations 2022, Section 23 is up to date with all changes known to be in force on or before 15 July 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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- (a) the individual is entitled to the enhanced rate of the mobility component only if they were entitled to that rate of that component under the previous award, and
  - (b) where the individual is not entitled to the enhanced rate of that component because of subparagraph (a), they are entitled to the standard rate of that component provided that they were entitled to that rate of that component under the previous award.
- (6) Where the Scottish Ministers determine that the individual has limited ability to carry out mobility activities, the individual is entitled to the standard rate of the mobility component only if they were entitled to that component, at either rate, under the previous award.
- (7) For the purposes of this regulation—
- (a) an award of either 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 Disability Living Allowance, or
    - (ii) the daily living component of Personal Independence Payment, and
  - (b) an award of either 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 Daily Living Allowance, or
    - (ii) the mobility component of Personal Independence Payment.

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**Commencement Information**

**II** [Reg. 23](#) in force at 21.3.2022, see [reg. 1](#)

**Changes to legislation:**

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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\(4\)](#)