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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 8**

Effect of time spent in care homes, hospital and legal detention

**Effect of legal detention on ongoing entitlement to Adult Disability Payment**

**30.**—(1) This regulation applies where an individual who has an ongoing entitlement to Adult Disability Payment begins a period of legal detention.

(2) For the purposes of this regulation, an individual is to be treated as though they are not in legal detention on any day on which they are an in-patient in a hospital or in a hospice.

(3) On the day after the day on which the individual has been in legal detention for 28 days, and for so long as the individual continues to be in legal detention, instead of the values set out in regulation 34 (amount and form of Adult Disability Payment)—

- (a) where the individual is aged 18 or over, the value of each component of Adult Disability Payment that is to be given to the individual is to be £0, or
- (b) where the individual is aged 16 or 17, the value of the daily living component of Adult Disability Payment that is to be given to the individual is to be £0.

(4) The 28 days referred to in paragraph (3) may comprise two or more separate periods, provided there is no more than one year between each period.

(5) Paragraph (3) of this regulation does not apply to an individual where—

- (a) the individual is undergoing legal detention outside the United Kingdom, and
- (b) in similar circumstances in Scotland, the individual would have been excepted from the application of that paragraph by virtue of the operation of any provision of this regulation.

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**Commencement Information**

**II** [Reg. 30](#) in force at 21.3.2022, see [reg. 1](#)

**Changes to legislation:**

The Disability Assistance for Working Age People (Scotland) Regulations 2022, Section 30 is up to date with all changes known to be in force on or before 17 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.

[View outstanding changes](#)

**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\(4\)](#)