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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 9

#### Making of applications and payments and duration of eligibility

##### Continuing Eligibility

**37.**—(1) Subject to paragraphs (3) and (4), a determination that an individual is entitled to Adult Disability Payment in respect of a period is to be made on the basis that the individual has an ongoing entitlement to Adult Disability Payment after the end of that period, except where paragraph (2) applies.

(2) This paragraph applies where, after the end of the period mentioned in paragraph (1), the individual no longer satisfies the eligibility rules.

(3) A determination of ongoing entitlement is made on the basis that—

- (a) the individual will continue to be entitled to Adult Disability Payment for a fixed or indefinite period as specified in the notice of determination, and
- (b) the decision that the individual is entitled to Adult Disability Payment for each subsequent 4-week period is to be taken in accordance with these Regulations, on the strength of the assumptions set out in paragraph (4).

(4) The assumptions are that—

- (a) the individual continues to satisfy the eligibility criteria which were satisfied to be entitled to Adult Disability Payment under the determination mentioned in paragraph (1),
- (b) the information on which the determination mentioned in paragraph (1) was made still applies and is relevant in the individual's case, and
- (c) there is no change in circumstances of the individual which would require to be notified under section 56 (duty to notify change of circumstances) of the 2018 Act.

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##### Commencement Information

**II** [Reg. 37](#) in force at 21.3.2022, see [reg. 1](#)

**Status:**

Point in time view as at 21/03/2022.

**Changes to legislation:**

The Disability Assistance for Working Age People (Scotland) Regulations 2022, Section 37 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.