
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 54

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

PART 3

Eligibility: Daily Living Component and Mobility Component

Determination of ability to carry out activities

7.—(1) An individual’s ability to carry out a daily living activity or mobility activity is to be determined—

- (a) on the basis of the individual’s ability whilst wearing or using any aid or appliance which the individual normally wears or uses, or
- (b) as if the individual were wearing or using any aid or appliance which the individual could reasonably be expected to wear or use.

(2) An individual’s ability to carry out an activity is to be determined—

- (a) by reference to the descriptors for the activity set out in column 2 of the table in Part 2 of schedule 1, and
- (b) on the basis of which descriptor applies for the individual to be able to carry out the activity—
 - (i) safely,
 - (ii) to an acceptable standard,
 - (iii) repeatedly, and
 - (iv) within a reasonable time period.

(3) In this regulation—

- (a) “safely” means in a manner unlikely to cause harm to the individual or to another person, either during or after completion of the activity, with consideration given to—
 - (i) the likelihood of harm, and
 - (ii) the severity of the consequences of that harm,
- (b) “to an acceptable standard” means to a reasonable standard for the activity, taking account of the impact on the individual of carrying out the activity to that standard,
- (c) “repeatedly” means as often as the activity is reasonably required to be completed, and
- (d) “reasonable time period” means no more than twice as long as the maximum period that an individual without a physical or mental condition or conditions which limits that individual’s ability to carry out the activity in question would normally take to complete that activity.

Status: Point in time view as at 21/03/2022. This version of this provision has been superseded.

Changes to legislation: The Disability Assistance for Working Age People (Scotland) Regulations 2022, Section 7 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)

Commencement Information

II [Reg. 7](#) in force at 21.3.2022, see [reg. 1](#)

Status:

Point in time view as at 21/03/2022. This version of this provision has been superseded.

Changes to legislation:

The Disability Assistance for Working Age People (Scotland) Regulations 2022, Section 7 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.