

**Status:** Point in time view as at 21/03/2022. This version of this provision has been superseded.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, Paragraph 11 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)

## SCHEDULE 2

### PART 3

#### Transfer from Personal Independence Payment to Adult Disability Payment

##### Exceptions to paragraph 9(5)

11.—(1) Where the Scottish Ministers have—

- (a) received information from the Secretary of State for Work and Pensions that the transferring individual is terminally ill in terms of section 82 of the Welfare Reform Act 2012<sup>(1)</sup> immediately before the date of transfer, or
- (b) not received information from the Secretary of State for Work and Pensions that the transferring individual is terminally ill in terms of section 82 of the Welfare Reform Act 2012, but become aware, before they have made a determination under paragraph 9(1), that a transferring individual has a terminal illness in terms of regulation 26(7),

the determination made under paragraph 9(1) must be made on the basis that the transferring individual satisfies the conditions for the enhanced rate of both the daily living component and the mobility component of Adult Disability Payment.

(2) Where sub-paragraph (1) applies—

- (a) paragraphs (4) to (6) of regulation 26 do not apply, and
- (b) the transferring individual's entitlement to Adult Disability Payment will commence on whichever is the later of—
  - (i) the date that these Regulations come into force,
  - (ii) the day that the clinical judgement was made in accordance with regulation 26(7), or
  - (iii) the day one year before the determination was made in accordance with paragraph 9(1).

##### Commencement Information

**11** Sch. 2 para. 11 in force at 21.3.2022, see [reg. 1](#)

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(1) 2012 c. 5.

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