

**Changes to legislation:** *The Disability Assistance for Working Age People (Scotland) Regulations 2022, Paragraph 14 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*

## SCHEDULE 2

### PART 3

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

##### Modification of these Regulations: transferring individuals

**14.** These Regulations apply to a transferring individual on and after the date of transfer with the following modifications—

- (a) regulation 32 (entitlement beginning while in alternative accommodation) is to be read as if—
  - (i) in paragraph (1) after “begins” there are the words “in terms of Part 3 of schedule 2”, and
  - (ii) in paragraph (2) for “that day” reads “the day on which the individual has been entitled to Adult Disability Payment for 28 days”,
- (b) regulation 35 (when an application is to be treated as made and beginning of entitlement to assistance) is treated as omitted,
- [<sup>F1</sup>(ba) in regulation 36, for sub-paragraph (b), substitute—
  - “(b) any subsequent payment—
    - (i) 4 weekly in arrears,
    - (ii) weekly in advance, or
    - (iii) where the Scottish Ministers consider that it would be unjust not to do so, at such intervals as may be specified in the notice of determination.”]
- (c) in regulation 45—
  - (i) for paragraph (4) substitute—

“(4) Where an individual has previously received Adult Disability Payment or Personal Independence Payment for a period and a determination without application has subsequently been made that the individual is entitled to Adult Disability Payment at a higher rate for that period, the individual will be entitled to the difference between the value of entitlement to Adult Disability Payment under the subsequent determination and the value of Adult Disability Payment or Personal Independence Payment to which that individual was previously entitled for that period.”,
  - (ii) where regulation 45(4) as substituted by sub-paragraph (1) applies, for the period between the date when the individual’s entitlement to a higher rate of Adult Disability Payment begins and the date of the determination under regulation 46, regulation 4 (entitlement to other benefits) is treated as omitted, and
- (d) where paragraph 11, 12(6) or 13(3) applies, for the period between the date when entitlement to Adult Disability Payment begins and the date of the determination under paragraph 9(1), regulation 4 (entitlement to other benefits) is treated as omitted.

##### Textual Amendments

- F1** Sch. 2 para. 14(ba) inserted (29.8.2022) by [The Disability Assistance for Working Age People \(Transitional Provisions and Miscellaneous Amendment\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/217\)](#), regs. 1(1), **19(13)(e)**

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#### **Commencement Information**

**II** [Sch. 2 para. 14](#) in force at 21.3.2022, see [reg. 1](#)

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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\(4\)](#)