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STATUTORY INSTRUMENTS

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**2022 No. 177**

**The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022**

**PART 2**

Amendments to legislation applying in relation to England and Wales and Scotland

**Amendment of the Social Security (Claims and Payments) Regulations 1987**

**3.—**(1) The Social Security (Claims and Payments) Regulations 1987(1) are amended as follows.

(2) In regulation 6 (date of claim)—

(a) in paragraph (20)(a), after “appeal” insert “, determination of entitlement”;

(b) in paragraph (20)(c)(ii) at the end omit “or”;

(c) after paragraph (20)(c)(ii) insert—

“(iii) regulation 17 (effect of admission to a care home on ongoing entitlement to care component) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021(2) because the claimant is resident in a care home, or

(iv) regulation 27 (effect of admission to a care home on ongoing entitlement to daily living component), or as the case may be, regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022 because the claimant is, respectively, a resident of a care home or undergoing treatment in a hospital”;

(d) in paragraph (21)(b) after “supersession” insert “, determination of entitlement”;

(e) in paragraph (21A) after “re-awarded” insert “or the subject of a determination of entitlement”;

(f) in paragraph (22), in the definition of “qualifying benefit” in paragraph (d) after “any other relevant benefit” insert “or Scottish disability benefit”;

(g) in paragraph (26), after “includes” insert “a determination of entitlement and”;

(h) in paragraph (33)(b) after “revision” insert “, determination of entitlement”;

(i) after paragraph (37) insert—

“(38) In this regulation—

(a) “determination of entitlement” has the meaning given in section 25 of the Social Security (Scotland) Act 2018(3);

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(1) S.I. 1987/1968, as amended by S.I. 1988/522, 1989/1686, 1990/725, 2208, 1991/2741, 1993/2113, 1994/2319, 1996/1460, 2431, 1997/793, 2290, 2470, 1999/2284, 2572, 2741, 3108, 2000/897, 1596, 1982, 2001/567, 2001/892, 2002/428, 2497, 2003/455, 1632, 2004/2283, 2005/34, 337, 2877, 2989, 2006/832, 2377, 2007/1602, 2470, 2008/1554, 2667, 2683, 2009/1490, 2010/510 and 2011/246; there are other amending instruments but none is relevant.

(2) S.I. 2021/786.

(3) 2018 asp 9.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (b) “Scottish disability benefit” means, as the context requires, either of the following benefits—
- (i) adult disability payment within the meaning of regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; and
  - (ii) child disability payment within the meaning of regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021.”.