

Reinstatement of Entitlement within a year

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Introduction

1. This chapter sets out how someone can reinstate entitlement to Scottish Adult Disability Living Allowance within a year of a previous award ending.
2. This chapter also sets out the circumstances in which someone can receive an award of Scottish Adult Disability Living Allowance within a year of their Disability Living Allowance award ending.
3. The chapter also explains how to apply the 'backwards test' in these circumstances.

Reinstating entitlement to Scottish Adult Disability Living Allowance

4. An individual can request an award of Scottish Adult Disability Living Allowance where:
 - They had a previous award of Scottish Adult Disability Living Allowance which has now ended;
 - The previous award of Scottish Adult Disability Living Allowance ended within 12 months of the individual making the request¹; and
 - None of the exceptions apply.

¹Scottish Adult DLA regs, Schedule 1, Part 3, Para 12(1)

5. Where an individual makes a request for their Scottish Adult Disability Living Allowance award to be reinstated, they must make the request in such form and with such evidence as is required in order to make a determination of entitlement².

²Scottish Adult DLA regs, Schedule 1, Part 3, Para 12(2)

6. Where an individual has met these conditions, the case manager must make a determination on that individual's entitlement to Scottish Adult DLA. This determination should be based on:
 - the information contained in the request for entitlement to be reinstated
 - information regarding the individual's previous award of Scottish Adult Disability Living Allowance that ended within the last 12 months, and
 - any other information that is relevant to the Scottish Adult Disability Living Allowance award³.

³Scottish Adult DLA regs, Schedule 1, Part 3, Para 12 (3)

7. An individual's entitlement to Scottish Adult Disability Living Allowance can only be reinstated if their entitlement to the new award results from substantially the same condition or conditions that were the basis of their previous award of Scottish Adult Disability Living Allowance⁴.

⁴Scottish Adult DLA reg's, Schedule 1, Part 3, Para 12 (4)

8. An individual cannot reinstate a previous Scottish Adult Disability Living Allowance award that has ended if:
 - There is an ongoing re-determination in relation to the individual's entitlement to Scottish Adult Disability Living Allowance;
 - The individual has appealed to the First-tier Tribunal for Scotland against the determination to end their entitlement to Scottish Adult Disability Living Allowance and the appeal has not yet been determined;
 - The individual's previous Scottish Adult Disability Living Allowance award was ended by an Adult Disability Payment determination;
 - A determination has been made in relation to the individual's entitlement to Pension Age Disability Payment⁵.

⁵Scottish Adult DLA regs, Schedule 1, Part 3, Para 12 (5)

Example: Reinstating entitlement to Scottish Adult DLA within a year of a previous award ending

Nico had a previous award of Scottish Adult DLA for the middle rate care component and the higher rate mobility component. This ended on 3 September 2026 after Nico did not respond to requests for information on his condition as part of a scheduled review. On 5 February 2027, Nico contacts Social Security Scotland to request an award of Scottish Adult DLA, and he is asked to provide supporting information on his conditions. A case manager reviews the supporting information Nico has provided, as well as the information relating to his previous award of Scottish Adult DLA. The case manager determines that Nico's current conditions are the same as those that were the basis of his previous award of Scottish Adult DLA, and that he would be eligible for the same components and rates as his previous award. Nico is therefore awarded the middle rate care component and the higher rate mobility component of Scottish Adult DLA, and his entitlement begins from 5 February 2027⁶.

⁶Scottish Adult DLA regs, Schedule 1, Part 3, Para 12(10)

Request for Scottish Adult Disability Living Allowance when an award of Disability Living Allowance has ended

9. An individual can request an award of Scottish Adult Disability Living Allowance where:
 - They had a previous award of Disability Living Allowance which has now ended;
 - The previous award of Disability Living Allowance ended within 12 months of the individual making the request;
 - The previous DLA award was not subject to mandatory reconsideration or appeal¹; and

- None of the exceptions apply.

¹*Scottish Adult DLA regs, Schedule 1, Part 3, Para 13(1)*

10. Where an individual makes a request for their Scottish Adult Disability Living Allowance award to be reinstated, they must make the request in such form and with such evidence as is required in order to make a determination of entitlement².

²*Scottish Adult DLA regs, Schedule 1, Part 3, Para 13(2)*

11. Where an individual has met these conditions, the case manager must make a determination without application on that individual's entitlement to Scottish Adult DLA. This determination should be based on:

- the information contained in the request for entitlement
- information regarding the individual's previous award of Disability Living Allowance that ended within the last 12 months, and
- any other information that is relevant to the Scottish Adult Disability Living Allowance award³.

³*Scottish Adult DLA regs, Schedule 1, Part 3, Para 13(3)*

12. An individual can only receive an award in this situation if their entitlement to Scottish Adult Disability Living Allowance would result from substantially the same condition or conditions that were the basis of their previous award of Disability Living Allowance⁴.

⁴*Scottish Adult DLA regs, Schedule 1, Part 3, Para 13(4)*

13. An individual cannot receive an award of Scottish Adult Disability Living Allowance in this circumstance if:

- There is an ongoing re-determination in relation to the individual's entitlement to Scottish Adult Disability Living Allowance;
- The individual has appealed to the First-tier Tribunal for Scotland against the determination to end their entitlement to Scottish Adult Disability Living Allowance and that appeal has not yet been determined;
- The individual's entitlement to Disability Living Allowance ended due to an Adult Disability Payment determination or a Personal Independence Payment decision;
- In the past 12 months, a determination has been made in relation to the individual's entitlement to Adult Disability Payment, Pension Age Disability Payment, or a Scottish Adult Disability Living Allowance case transfer determination⁵.

⁵*Scottish Adult DLA regs, Schedule 1, Part 3, Para 13(5)*

Example: Requesting an award of Scottish Adult DLA within a year of an award of DLA ending

Maria previously had an award of DLA for the lower rate care component and the lower rate mobility component. Her award was due for renewal with the DWP but she did not complete a renewal application before her award ended on 12 February

2025. On 27 May 2025, Maria contacts Social Security Scotland to request an award of Scottish Adult DLA, based on her previous DLA award. In making her request, Maria provides details of her previous DLA award and up to date supporting information on her conditions. A case manager reviews this information and determines that Maria's current conditions are the same as those that were the basis of her previous award of DLA, however that her care needs have now increased since she was in receipt of DLA. Maria is therefore awarded the middle rate care component and the lower rate mobility component of Scottish Adult DLA, and her entitlement begins from 27 May 2025.

The Backwards Test

14. Typically, to be eligible to receive Scottish Adult DLA, an individual must have met the eligibility criteria for a component and rate for a period of time ('the backwards test'), and be expected to continue to meet the eligibility criteria for a period into the future ('the forwards test'). Different rules apply depending on whether an individual is over or under 'the relevant age' (pension age, or if their pension age is lower, 65).
15. Where an individual is eligible for an award of Scottish Adult DLA within a year of a previous award ending, or within a year of the end of a previous DLA award, the backwards test is treated as met from the point of the request, provided the previous award consisted of the same component as the one to which the individual is now entitled¹.

¹Scottish Adult DLA regs, Schedule 1, Part 3, Para 12(6) & 13(6)

Effective Dates

16. Where it is determined that an individual is entitled to an award within a year of a Scottish Adult DLA or a DLA award ending, the effective date to start the new award is the date on which the individual made the request for the new award¹. This means the date the individual first requested an award of Scottish Adult DLA, even if they were required to submit further supporting information after this date.
17. Where someone begins making a valid request for an award of Scottish Adult DLA within 12 months of their previous award ending, but the determination is not made by Social Security Scotland until more than 12 months after the award ended, an individual can be awarded Scottish Adult DLA².

¹Scottish Adult DLA regs, Schedule 1, Part 3, Para 12(10) & 13(10)

²Scottish Adult DLA regs, Schedule 1, Part 3, Para 12(1)(b) & 13(1)(b)(i)

Example: The Effective Date of a Scottish Adult DLA award made within a year of a previous award or DLA award ending

Ian previously had an award of Scottish Adult DLA that ended on 4 March 2027, which was for the middle rate of the care component and the lower rate of the mobility component. On 19 February 2028, Ian contacts Social Security Scotland to request that his Scottish Adult DLA award is reinstated, providing

Social Security Scotland the information needed to begin his request for an award. Social Security Scotland send Ian a request for further information on his disabilities and health conditions in order to support a determination of his entitlement. Ian completes and returns this request for information, sending it to Social Security Scotland on 9 March 2028. A case manager reviews the information Ian has provided and makes a determination on 21 March 2028, awarding Ian the middle rate of the care component and the lower rate of the mobility component. Ian's award of Scottish Adult DLA begins on 19 February 2028, when Ian first made a valid request for an award.