

Upper Tribunal for Scotland



2026UT57

Ref: UTS/AS/26/0004

DECISION OF

Sheriff Craig

ON AN APPLICATION FOR PERMISSION TO APPEAL RECONSIDERATION (DECISION OF FIRST-TIER TRIBUNAL FOR SCOTLAND) IN THE CASE OF

HL
per Fife Law Centre

Appellant

- and -

Social Security Scotland
per Scottish Government Legal Directorate

Respondent

FTS Case Reference: FTS/SSC/AE/25/00307

30 June 2026

Decision

Permission to amend the grounds of appeal having been granted, permission to appeal is granted against that part of the decision of the First tier Tribunal for Scotland ("FTS") issued on 22 September 2025 that relates to the assessment for Adult Disability Payment under Mobility Activity 2. The appeal on that point is allowed and that part of the decision of FTS issued on 22 September 2025 is quashed. The matter is remitted to a newly constituted tribunal for consideration of the appellant's claim under Mobility Activity 2 de novo.



Introduction

[1] This is an application for permission to appeal against the decision of the FTS issued on 22 September 2025 in which the FTS determined that, for the purposes of a claim for ADP, the appellant should be awarded four points in terms of Mobility Activity 2.

[2] The UTS refused the appellant's application for permission to appeal that decision, and she sought reconsideration from a differently constituted UTS.

[3] That hearing was held on 26 June 2026 when the appellant was represented by Michael Marshall of the Fife Law Centre, and the respondent by Orla Chambers, Solicitor.

[4] The appellant's motion to amend the grounds of appeal (see below) was not opposed by the respondent.

Grounds of appeal

[5] The appellant argued that the FTS erred in law in its assessment in that it failed to have proper regard to the evidence before it when assessing her ability to walk in a safe manner, to an acceptable and reasonable standard and to do so repeatedly. It was required to do so, said the appellant, in light of Regulation 7 of the Disability Assistance for Working Age People (Scotland) Regulations 2022.

[6] If the FTS had considered that matter, argued the appellant, it failed, properly, to explain its reasoning and conclusions on the point, specifically on the question of frequency and the impact a period of walking would have on the appellant. That evidence was before the FTS, said the appellant, but it did not explain why it was rejected.

Discussion

[7] At the reconsideration hearing the appellant moved to amend (more properly a reframing of the appeal) to include:

"The appellant states that she did not understand the questions asked and that her answers did not clarify her mobility and disfunction. She then describes at length her medical history and the disabling effect that her condition has had on her. She expresses a wish to have another hearing to explain in more detail."

[8] That motion was not opposed by the respondent. The respondent's position was that it accepted, as now articulated, the appellant had identified an error in law by the FTS in its approach to the assessment of her entitlement under Mobility Activity 2. It accepted that, on that ground,



the matter should be remitted back to a freshly constituted FTS for a full reconsideration of the appellant's entitlement to ADS when assessed against Mobility Activity 2.

[9] The appellant also made a motion connected to her allegation that, during the hearing, a member of the FTS had laughed in response to an answer provided by the appellant's mother.

[10] It is unnecessary to address that in any detail as the appellant agreed that, the appeal having, in effect, been conceded by the respondent, the issue flies off given the matter will now be reconsidered. For the sake of completeness, therefore, I record that that motion is refused for want of instance.

Conclusion

[11] The matter will now be reconsidered by a freshly constituted FTS who are directed to ensure that they give full consideration to the appellant's evidence about her mobility and to consider same having regard to the provisions of the 2022 Regulations.

Sheriff Craig
Member of the Upper Tribunal for Scotland