

SCHEDULE 5 DISABILITY ASSISTANCE REGULATIONS

PART 1

ELIGIBILITY

CHAPTER 2

FURTHER CRITERIA

Nature and extent of disability and needs

- 3 The regulations may make an individual's eligibility depend on the nature and extent of—
- (a) the individual's impairment,
 - (b) the needs of the individual in consequence of the impairment.

Residence and presence

- 4 The regulations may make an individual's eligibility depend on the individual being resident and present in a particular place.

Age

- 5 The regulations may make an individual's eligibility depend on the individual's age.

Financial circumstances

- 6 Subject to paragraph 7, the regulations may not make an individual's eligibility depend on the financial circumstances of either or both—
- (a) the individual, and
 - (b) anyone who lives with the individual.

Receipt of, or eligibility for, other types of State assistance

- 7 The regulations may make an individual's eligibility depend on the individual—
- (a) being, or not being, in receipt of another type of assistance (whether under this Act or another enactment),
 - (b) being, or not being, eligible or entitled to receive such assistance.

Application within specified period

- 8 The regulations may provide that an individual ceases to be eligible in respect of a given period unless, by a deadline specified in the regulations—
- (a) the individual has applied for disability assistance in respect of the period, or
 - (b) the Scottish Ministers have become required to make a determination of the individual's entitlement to disability assistance in respect of the period by regulations under section 52.