

## SCHEDULE 5 DISABILITY ASSISTANCE REGULATIONS

### PART 2

#### ASSISTANCE TO BE GIVEN

##### CHAPTER 1

###### VALUE

###### *Nature and extent of disability*

- 13 The regulations may make the value of the disability assistance that is to be given to an individual depend on the nature and extent of—
- (a) the individual's impairment,
  - (b) the needs of the individual in consequence of the impairment.

###### *Age*

- 14 The regulations may make the value of the disability assistance that is to be given to an individual depend on the individual's age.

##### CHAPTER 2

###### FORM

###### *Meeting liabilities*

- 15 The regulations may provide for the disability assistance that is to be given to an individual to be given (in whole or in part) by way of—
- (a) payment to another person in order to meet, or contribute towards meeting, any liability the individual has to that person,
  - (b) deduction from any liability the individual has to the Scottish Ministers under section 63.

###### *Payment to someone else*

- 16 The regulations may provide that, if the Scottish Ministers consider it appropriate in the circumstances, the disability assistance that is to be given to an individual may be given (in whole or in part) by way of payment to another person who is to use the payment to benefit the individual entitled to the assistance.

###### *Restriction on giving assistance in a form other than money*

- 17 (1) The regulations may allow disability assistance to be given to an individual in a form other than money only if the individual (or a person acting on the individual's behalf) has agreed to the assistance being given in that form.

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*Status: This is the original version (as it was originally enacted).*

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- (2) If the regulations include provision of the kind mentioned in sub-paragraph (1), they must allow an individual (or a person acting on the individual's behalf) to withdraw agreement to being given disability assistance in a form other than money at any time.
- (3) Despite sub-paragraph (1), the regulations may provide for disability assistance to be given (in whole or in part) by way of deduction, at a reasonable level, from any liability the individual has to the Scottish Ministers under section 63 if the individual has unreasonably refused to agree to the assistance being given in that form.
- (4) For the purpose of sub-paragraph (3), "reasonable level" means a level that is reasonable having regard to the financial circumstances of the individual.

*Restriction on lump sums*

- 18      The regulations may not provide for the disability assistance that is to be given to an individual to be given by way of a lump-sum payment where the individual's entitlement arises on account of the individual having, or having had—
- (a) pneumoconiosis,
  - (b) byssinosis,
  - (c) diffuse mesothelioma,
  - (d) bilateral diffuse pleural thickening, or
  - (e) primary carcinoma of the lung where there is accompanying evidence of—
    - (i) asbestosis,
    - (ii) bilateral diffuse pleural thickening, or
    - (iii) both.