
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

SOCIAL SECURITY

The Disability Assistance for Children and
Young People (Scotland) Regulations 2021

Made - - - - 2021

Coming into force 26th July 2021

THE DISABILITY ASSISTANCE FOR CHILDREN AND
YOUNG PEOPLE (SCOTLAND) REGULATIONS 2021

PART 1

Introductory and interpretation

1. Citation and commencement
2. Interpretation - general

PART 2

Disability assistance for children and young people

3. Overview

PART 3

Eligibility

4. Age criteria
5. Residence and presence conditions
6. Interpretation - residence and presence conditions
7. Temporary absence from the common travel area
8. Persons residing in the United Kingdom to whom a relevant EU regulation applies
9. Persons residing outside the United Kingdom to whom a relevant EU regulation applies
10. Entitlement to other benefits
11. Care component criterion: lowest, middle or highest rate care component
12. Mobility requirements: lower rate mobility component
13. Mobility requirements: higher rate mobility component
14. Exclusion of entitlement to mobility component

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Disability Assistance for Children and Young People (Scotland) Regulations 2021* ISBN 978-0-11-104977-8

PART 4

Entitlement under special rules for terminal illness and when undergoing dialysis

15. Entitlement under special rules for terminal illness
16. Entitlement to care component when undergoing dialysis

PART 5

Effect of time spent in care homes and in legal detention

17. Effect of admission to a care home on ongoing entitlement to care component
18. Effect of legal detention on ongoing entitlement to care component
19. Calculation of periods of time spent in a care home or in legal detention
20. Entitlement beginning while in alternative accommodation
21. Entitlement to care component of Child Disability Payment while an in-patient

PART 6

Making of applications and payments and duration of eligibility

22. Making payments
23. Amount and form of Child Disability Payment
24. When an application is to be treated as made and beginning of entitlement to assistance
25. Time of payment
26. Continuing eligibility
27. Form of payment – giving Child Disability Payment by way of deduction
28. When an increase in level of entitlement takes effect
29. When a decrease in level or cessation of entitlement takes effect

PART 7

Re-consideration of entitlement to Child Disability Payment: determination without application

30. Consideration of entitlement after specified period
31. Determination following change of circumstances etc.
32. Determination following official error - underpayments
33. Determination following error - overpayments
34. Determination to effect a deduction decision

PART 8

Movement of individuals between Scotland and the rest of the United Kingdom

35. Individuals in respect of whom Disability Living Allowance is paid in another part of the United Kingdom immediately before moving to Scotland
36. Individuals in respect of whom Child Disability Payment is paid at the time of moving to another part of the United Kingdom

PART 9

Periods in respect of a re-determination request

37. Periods in respect of a re-determination request

PART 10

Provision of vehicles

38. Payment of mobility component to authorised providers of vehicles for individuals with disabilities
39. Vehicles for persons with disabilities – powers of appointees

PART 11

Initial period for applications

40. Initial period for applications

PART 12

Transfer to Child Disability Payment

41. Transfer to Child Disability Payment

PART 13

Short-term assistance

42. Entitlement to short-term assistance

PART 14

Consequential amendment

43. Consequential amendment

PART 15

Transitory provision

44. Transitory provision – initial period for applications
45. Exclusion to transitory provision
Signature

SCHEDULE 1 —

PART 1 — Short-term assistance

1. Entitlement to short-term assistance
2. Value and form
3. End of entitlement
4. Reduction of payment of Child Disability Payment where short-term assistance is paid

PART 2 — Initial period for applications

5. Initial period for applications
6. Local authority areas for initial period for applications

PART 3 — Transfer to Child Disability Payment

7. Interpretation
8. Notice of intention to transfer to Child Disability Payment
9. Determination without application of entitlement to Child Disability Payment
10. Effect of determination on entitlement to Disability Living Allowance

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Disability Assistance for Children and Young People (Scotland) Regulations 2021* ISBN 978-0-11-104977-8

11. Exceptions to paragraph 9(4)
12. Effect of legal custody on payment of the mobility component
13. Modification of these Regulations: transferring individuals
14. Appointees
PART 4 — Consequential amendment
15. (1) The Social Security Contributions and Benefits Act 1992 is...

Explanatory Note