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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2021 No.**

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

**PART 8**

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

**Individuals in respect of whom Disability Living Allowance is paid in another part of the United Kingdom immediately before moving to Scotland**

**35.**—(1) Where an individual—

- (a) is under 18 years of age,
- (b) becomes resident in Scotland,
- (c) was resident in another part of the United Kingdom, and
- (d) was entitled to Disability Living Allowance immediately before the date of the move,

the Scottish Ministers are to make a determination without application of the individual's entitlement to Child Disability Payment.

(2) Entitlement to Child Disability Payment under paragraph (1) begins on the day after the day on which Disability Living Allowance ceases to be paid in respect of the individual.

(3) In this regulation, "the date of the move" is the date when the individual becomes resident in Scotland as notified by the individual to the Scottish Ministers (whether the notification takes place before or after the date of the move).

**Individuals in respect of whom Child Disability Payment is paid at the time of moving to another part of the United Kingdom**

**36.**—(1) Where the Scottish Ministers are notified that an individual who is entitled to Child Disability Payment has moved or is to move to become ordinarily resident in another part of the United Kingdom, the individual is to be treated as though the individual meets the condition of being ordinarily resident in Scotland for a period of 13 weeks beginning with the date of the move.

(2) Subject to Part 5 (effect of time spent in care homes and in legal detention), where the Scottish Ministers receive notification mentioned in paragraph (1), they are to make a determination without application at the end of the 13-week period mentioned in paragraph (1) that the individual's entitlement to Child Disability Payment is to terminate.

(3) Where before the end of the 13-week period, the Scottish Ministers are notified that the individual is no longer to move to become ordinarily resident in another part of the United Kingdom, the notification mentioned in paragraph (1) is to be treated as not having been made and the duty in paragraph (2) does not apply.

(4) Where an individual notifies the Scottish Ministers that they have become resident in another part of the United Kingdom and they have been resident there for 13 weeks or more—

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**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

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(a) entitlement to Child Disability Payment ceases on, and  
(b) regulation 33 (determination following error – overpayments) applies to any Child Disability Payment paid to an individual after 13 weeks after,  
the date when the individual became resident in another part of the United Kingdom.

(5) In this regulation, “the date of the move” is, where the individual notifies the Scottish Ministers—

- (a) before the date when the individual ceases to be resident in Scotland, the date when the individual becomes resident in another part of the United Kingdom or
- (b) after the date when the individual becomes resident in another part of the United Kingdom but before they have been resident there for 13 weeks, the date of notification.