
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

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

PART 6

Making of applications and payments and duration of eligibility

Amount and form of Child Disability Payment

23.—(1) The weekly rate of payment of the care component is where the individual is entitled to—

- (a) the highest rate, £87.65,
- (b) the middle rate, £58.70, or
- (c) the lowest rate, £23.20.

(2) The weekly rate of payment of the mobility component is where the individual is entitled to—

- (a) the higher rate, £61.20, or
- (b) the lower rate, £23.20.

(3) Where an individual is entitled to payment of the care component or the mobility component for a period shorter than one week, payment of that component is to be made at one-seventh of the relevant weekly rate, for each day of entitlement.

(4) For any week where an individual is entitled to—

- (a) the care component of Child Disability Payment, and
- (b) payment of an amount in respect of constant attendance under section 61 of the Social Security Act 1975⁽¹⁾,

the amount of the care component of Child Disability Payment that is to be given to the individual is to be reduced by the amount paid under that section.

(5) For the purpose of calculating the amount of the care component that is to be given to the individual, in accordance with paragraph (4), where the amount in respect of constant attendance is equal to or greater than the amount of the care component of Child Disability Payment the value of Child Disability Payment that is to be given to the individual is to be £0.

(6) For any week where an individual is entitled to—

- (a) the mobility component of Child Disability Payment, and
- (b) payment of War Pensioners' Mobility Supplement within the meaning of—
 - (i) the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (“1983 Order”)⁽²⁾,

(1) 1975 c.14.

(2) S.I. 1983/883.

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 This draft has been replaced by a new draft, *The Disability Assistance for Children and Young People (Scotland) Regulations 2021* ISBN 978-0-11-104977-8

- (ii) the Personal Injuries (Civilians) Scheme 1983⁽³⁾,
- (iii) the 1983 Order by virtue of the War Pensions (Naval Auxiliary Personnel) Scheme 1964⁽⁴⁾,
- (iv) the Pensions (Polish Forces) Scheme 1964⁽⁵⁾,
- (v) the War Pensions (Mercantile Marine) Scheme 1964⁽⁶⁾, or
- (vi) an Order of Her Majesty in relation to the Home Guard dated 21 December 1964 or 22 December 1964, or in relation to the Ulster Defence Regiment dated 4 January 1971,

the amount of the mobility component of Child Disability Payment that is to be given to the individual is to be £0.

- (7) For each week in the period of 8 weeks ending with the death of the individual—
 - (a) the amount of Child Disability Payment that is to be given to that individual is the relevant weekly rate of each component to which the individual is entitled in that week, multiplied by two, and
 - (b) any provision in these Regulations reducing the amount to £0 has no effect.

(8) Child Disability Payment may only be given as money, except as provided for by regulation 27(1) (form of payment – giving Child Disability Payment by way of deduction).

⁽³⁾ S.I. 1983/686.
⁽⁴⁾ S.I. 1964/1985.
⁽⁵⁾ S.I. 1964/2007.
⁽⁶⁾ S.I. 1964/2058.