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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 6**

**Making of applications and payments and duration of eligibility**

**When a decrease in level or cessation of entitlement takes effect**

**29.**—(1) Where, as a result of a determination without an application, the amount of Child Disability Payment payable in respect of an individual is decreased or their entitlement to a component is ceased, the changed entitlement begins—

- (a) in the case of a decrease pursuant to a determination made under regulation 31(d) (determination following change of circumstances etc.) on the day after the day on which Disability Living Allowance ceased to be paid in respect of the individual,
- (b) in the case of a determination without application under regulation 31(a), on the date when—
  - (i) if the individual knowingly fails to notify a change that the individual was required to notify under section 56 of the 2018 Act, the individual should have notified Scottish Ministers of the change,
  - (ii) in any other case, the Scottish Ministers make the determination,
- (c) in the case of an earlier determination which was based on official error within the meaning of regulation 32 (determination following official error - underpayments) or on error within the meaning of regulation 33 (determination following error – overpayments), begins on the date when the earlier determination took effect,
- (d) in any other case, on the date when Scottish Ministers make the determination.

(2) Where the Scottish Ministers consider that in all the circumstances it would be unjust not to do so, they may, when making their determination, set a later date for the purposes of paragraph 1(b), (c) or (d).