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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 7**

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

**Determination to effect a deduction decision**

**34.**—(1) The Scottish Ministers are to make a determination of an individual's entitlement to Child Disability Payment, without receiving an application, where the circumstances in paragraphs (2) and (3) apply.

(2) This paragraph applies where—

- (a) regulation 27 (form of payment - giving Child Disability Payment by way of deduction) allows Child Disability Payment to be given to the individual by way of deduction, or
- (b) Child Disability Payment is being given to the individual by way of deduction, and the Scottish Ministers consider that may no longer be appropriate.

(3) This paragraph applies where the Scottish Ministers have decided to—

- (a) vary the amount of Child Disability Payment to be given by way of deduction (including introducing a deduction, where the full amount of Child Disability Payment was previously given as money),
- (b) vary any period for which the individual's Child Disability is to be given by way of deduction, that may have been specified in a previous determination of the individual's entitlement, or
- (c) cease making deductions, and instead give the individual's Child Disability Payment in the form of money.

(4) The Scottish Ministers are to make a determination, without receiving an application, where an individual who is receiving Child Disability Payment by way of deduction under a previous determination of entitlement notifies the Scottish Ministers that the individual—

- (a) withdraws their agreement to their Child Disability Payment being given by way of deduction,
- (b) wishes the Scottish Ministers to increase the amount of their Child Disability Payment that is given by way of deduction,
- (c) wishes the Scottish Ministers to decrease the amount of their Child Disability Payment that is given by way of deduction (including ceasing the deduction), or
- (d) wishes the Scottish Ministers to amend the length of any period referred to in paragraph (3) (b).