

SCHEDULE 1

PART 1

Short-term assistance

Entitlement to short-term assistance

1.—(1) Subject to sub-paragraph (2), an individual who is, or was, entitled to Child Disability Payment under a determination made on the basis that the individual has ongoing entitlement is entitled to short-term assistance where—

- (a) a determination of the individual's entitlement to Child Disability Payment ("earlier determination") has been superseded by a subsequent determination ("subsequent determination") which has the effect that the individual is—
 - (i) no longer entitled to Child Disability Payment, or
 - (ii) entitled to a lower amount of Child Disability Payment,
- (b) the individual's entitlement to Child Disability Payment is under review within the meaning of paragraph 1(2) of schedule 10 of the 2018 Act, and
- (c) the individual—
 - (i) continues to meet the conditions as to residence and presence set out in regulations 5 to 9, or
 - (ii) has transferred to become ordinarily resident in another part of the United Kingdom, and the matter under review is the determination of entitlement for the 13-week period beginning with the date of the transfer in accordance with regulation 36 (individuals in respect of whom Child Disability Payment is paid at the time of moving to another part of the United Kingdom).

(2) An individual is not entitled to short-term assistance where the individual is no longer entitled to Child Disability Payment as a result of a subsequent determination made under regulation 31(b) (determination following change of circumstances etc.).

(3) An individual to whom regulation 17(2) (effect of admission to a care home on ongoing entitlement to care component) or 18(2) (effect of legal detention on ongoing entitlement to care component) applies is not entitled to short-term assistance in respect of the care component of Child Disability Payment.

(4) Where the Scottish Ministers have made a determination under section 37 of the 2018 Act (duty to make determination) that an individual is entitled to short-term assistance, entitlement to short-term assistance begins—

- (a) where a request is made under section 41 of the 2018 Act (right to request re-determination) for a re-determination of the determination of the individual's entitlement to Child Disability Payment mentioned in paragraph 1(1)(a), on the day that request is made,
- (b) where a notice of appeal is submitted under section 47 of the 2018 Act (initiating an appeal) against the determination of the individual's entitlement to Child Disability Payment mentioned in paragraph 1(1)(a), on the day that request is made,
- (c) where a decision of the Scottish Ministers is made not to accept a request for a re-determination of the individual's entitlement to Child Disability Payment mentioned in paragraph 1(1)(a), on the day that decision is set aside by the First-tier Tribunal for Scotland, or

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- (d) a request is made under section 48(1)(b) of the 2018 Act (deadline for appealing) for permission to appeal the determination of the individual's entitlement to Child Disability Payment mentioned in paragraph 1(1)(a), on the day that request is made.