
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

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

PART 15

Transitory provision

Transitory provision – initial period for applications

44.—(1) During the initial period for applications, in addition to meeting the residence and presence conditions in regulation 5, an individual must be resident in one of the local authority areas specified in paragraph 6 of Part 2 of the schedule on the date their application is received by the Scottish Ministers.

(2) In this regulation and in Part 2 of the schedule, “initial period for applications” means the period beginning with 26 July 2021 and ending with 21 November 2021.

Exclusion to transitory provision

45.—(1) An individual who has made a claim for Disability Living Allowance prior to 26 July 2021 which has not yet been decided is not entitled to be paid Child Disability Payment during the initial period for applications.

(2) In paragraph (1) a claim for Disability Living Allowance is decided if it has—

- (a) been decided by the Secretary of State under section 8 (decisions by Secretary of State) of the Social Security Act 1998⁽¹⁾,
- (b) been withdrawn in accordance with regulation 5(2) of the Social Security (Claims and Payments) Regulations 1987⁽²⁾, or
- (c) otherwise is no longer to be decided by the Secretary of State as mentioned in subparagraph (a).

(1) 1998 c.14, relevantly amended by paragraph 1 of Part 1 of schedule 10 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and paragraph 1 of Part 8 of schedule 14 of the Welfare Reform Act 2012 (c.5).

(2) S.I. 1987/1968.