
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

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

PART 4

Entitlement under special rules for terminal illness and when undergoing dialysis

Entitlement to care component when undergoing dialysis

16.—(1) Subject to paragraph (5), an individual who is at least 3 months old is to be treated as satisfying the conditions for the care component in regulation 11 (care component criterion: lowest, middle or highest rate of care component) where the individual undergoes renal dialysis—

- (a) where at least one of the conditions in paragraph (2) is met, and
- (b) at least twice a week,

as a consequence of a disability or physical impairment.

(2) The conditions are that—

- (a) the renal dialysis is of a type which normally requires the attendance or supervision of another person, or
- (b) due to particular circumstances, the individual requires another person to attend—
 - (i) in connection with the individual's bodily functions, or
 - (ii) to supervise the individual in order to avoid substantial danger to the individual, during the period of the dialysis.

(3) Where the renal dialysis mentioned in paragraph (2) takes place by day or at night, the individual is entitled to the middle rate care component.

(4) Where the renal dialysis mentioned in paragraph (2) takes place both by day and at night, the individual is entitled to the highest rate care component.

(5) An individual is not entitled to the care component unless—

- (a) throughout the period of 13 weeks immediately preceding the date on which the award of that component would begin, the individual has satisfied or is likely to satisfy the requirements in paragraph (1) as read with paragraph (2), and
- (b) the individual is likely to continue to satisfy those requirements throughout the period of 26 weeks beginning with that date.