

## SCHEDULE

### PART 3

#### Transfer to Child Disability Payment

##### Exceptions to paragraph 9(4)

11. The following circumstances are exceptions to paragraph 9(4)—
- (a) a transferring individual who is either not entitled to or entitled to the lower rate of the mobility component of Disability Living Allowance immediately before the date of transfer, is entitled to the higher rate for the mobility component of Child Disability Payment where special rules for terminal illness under regulation 15 (entitlement under special rules for terminal illness) apply to that transferring individual,
  - (b) a transferring individual who is not awarded the care component of Disability Living Allowance and meets the condition in regulation 11(1)(b) (care component criterion: lowest, middle or highest rate of care component) is entitled to the lowest rate of the care component of Child Disability Payment,
  - (c) a transferring individual whose entitlement to either component of Disability Living Allowance was affected because they were under 16 and did not meet the requirement in section 72(1A)(b) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>, who is aged 16 or over is entitled to an increased rate of either component or both components of Child Disability Payment, and
  - (d) a transferring individual, whose entitlement to the mobility component of Disability Living Allowance was affected by not meeting the requirement of regulation 12(1A) of the Social Security (Disability Living Allowance) Regulations 1991<sup>(2)</sup>, who meets the condition in regulation 13(5) (mobility requirements: higher rate mobility component), is entitled to—
    - (i) the lower rate of the mobility component of Child Disability Payment where the individual was not entitled to the mobility component of Disability Living Allowance, or
    - (ii) to the higher rate of the mobility component of Child Disability Payment where the individual was entitled to the lower rate of the mobility component of Disability Living Allowance.

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(1) 1992 c.4. Subsection (1A) was inserted by section 52(2) of the Welfare Reform Act 2007 (c.5).

(2) S.I. 1991/2890. Regulation 12(1A) was inserted by S.I. 2010/1651.