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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2024 No.**

**The Disability Assistance for Older  
People (Scotland) Regulations 2024**

**PART 8**

Effect of time spent in care homes, hospital and legal detention

**Entitlement beginning while in alternative accommodation**

**24.**—(1) This regulation applies where an individual is resident in a care home, an in-patient in a hospital or similar institution, or in legal detention on the day on which their entitlement to Pension Age Disability Payment begins.

(2) On and after that day, and for so long as the individual continues to reside in a place mentioned in paragraph (1), instead of the values set out in regulation 26 (amount and form of Pension Age Disability Payment), in respect of Pension Age Disability Payment, the individual is to be given the value of £0 where the individual is—

- (a) resident in a care home,
- (b) undergoing medical or other treatment as an in-patient in a hospital or similar institution where any of the costs of the treatment, accommodation and any related services provided for them are borne out of public funds within the meaning of regulation 20(4), or
- (c) in legal detention.

(3) Paragraphs (1) and (2) do not apply where the individual is a resident in a care home, and the full costs of any qualifying services are met—

- (a) entirely out of the resources of the individual for whom the qualifying services are provided,
- (b) partly out of the resources of the individual for whom the qualifying services are provided and partly out of the resources of another person (other than a local authority) or assistance from a charity, or
- (c) entirely out of the resources of another person (other than a local authority) or assistance from a charity.