

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 174

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

PART 9

Periods in respect of a re-determination request

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37.—(1) The period for requesting a re-determination of entitlement to Child Disability Payment under section 41 (right to request re-determination) of the 2018 Act is 42 days beginning with the day that the individual is informed, in accordance with section 40 of the 2018 Act (notice of determination), of the right to make the request.

(2) In relation to determining entitlement to Child Disability Payment, the period allowed for re-determination (within the meaning of section 43 of the 2018 Act (duty to re-determine)) is 56 days beginning with—

- (a) the day that the request for a re-determination is received by the Scottish Ministers, ^{F1}...
- (b) in a case where the request for a re-determination is received by the Scottish Ministers outwith the period prescribed in paragraph (1), the day on which it is decided by the Scottish Ministers or (as the case may be) the First-tier Tribunal for Scotland that the individual in question has a good reason for not requesting a re-determination sooner^{F2}, or
- (c) in a case where the Scottish Ministers have informed the individual of their decision that the request for a re-determination was not made in such form as the Scottish Ministers require, the day on which it is subsequently decided by the First-Tier Tribunal for Scotland that the individual in question has made the request in such form as the Scottish Ministers require].

Textual Amendments

- F1** Word in [reg. 37\(2\)\(a\)](#) omitted (22.11.2021) by virtue of [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), [regs. 1, 18\(a\)](#)
- F2** [Reg. 37\(2\)\(c\)](#) and word inserted (22.11.2021) by [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), [regs. 1, 18\(b\)](#)

Commencement Information

- I1** [Reg. 37](#) in force at 26.7.2021, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Disability Assistance for Children and Young People (Scotland) Regulations 2021, PART 9.