SCHEDULE 9 Article 16

Amendment of the Employment and Support Allowance Regulations 2008

Amendment of the Employment and Support Allowance Regulations 2008: general

1. The Employment and Support Allowance Regulations 2008 are amended as follows.

Amendment of regulation 2 (interpretation)

2. In regulation 2(1)—

(a) after the definition of "child", insert—

""child disability payment" has the meaning given in regulation 2 of the DACYP Regulations;";

(b) after the definition of "Crown tenant", insert—

""the DACYP Regulations" means the Disability Assistance for Children and Young People (Scotland) Regulations 2021;".

Amendment of regulation 18 (circumstances in which the condition that the claimant is not receiving education does not apply)

3. In regulation 18, after "disability living allowance", insert ", child disability payment".

Amendment of regulation 158 (meaning of "person in hardship")

4.—(1) Regulation 158 is amended as follows.

(2) In paragraph (3)—

(a) in sub-paragraph (c), after "disability living allowance", insert ", child disability payment";

(b) in sub-paragraph (d)(ii), after "disability living allowance", insert ", child disability payment".

(3) For paragraph (7), substitute—

"(7) In this regulation, "care component" means—

(a) the care component of disability living allowance at the highest or middle rate prescribed under section 72(3) of the Contributions and Benefits Act; or

(b) the care component of child disability payment at the highest or middle rate provided for in regulation 11(5) of the DACYP Regulations.".

Amendment of Schedule 6 (housing costs)

5.—(1) Schedule 6 is amended as follows.

(2) In paragraph 15(11)(b), after "disability living allowance", insert ", child disability payment".

(3) In paragraph 19(6)(b), after sub-paragraph (ii), insert—

"(iia) the care component of child disability payment;".