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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2021 No.**

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

**PART 7**

**Re-consideration of entitlement to Child Disability Payment: determination without application**

**Determination following change of circumstances etc.**

**31.** The Scottish Ministers must make a determination of an individual's entitlement to Child Disability Payment, without receiving an application, where the individual has an ongoing entitlement to Child Disability Payment and they become aware—

- (a) of a change of circumstances, whether or not notified by the individual in accordance with section 56 of the 2018 Act, which would possibly result in an alteration to the component or rate of Child Disability Payment payable to the individual or which is likely to mean that the individual is no longer entitled to Child Disability Payment,
- (b) that the individual has died,
- (c) of an alteration of the component or rate of award of Disability Living Allowance which the individual was entitled to immediately before the date of transfer to Child Disability Payment in accordance with Part 3 of the schedule (transitional provisions), as a result of a decision made pursuant to—
  - (i) a revision under regulation 3 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (“the 1999 Regulations”)(**1**),
  - (ii) a supersession under regulation 6(**2**) of the 1999 Regulations,
  - (iii) an appeal under section 12 of the Social Security Act 1998 (“the 1998 Act”)(**3**),
  - (iv) a re-consideration under section 13 of the 1998 Act(**4**), or
  - (v) an appeal to the Upper Tribunal under section 14 of the 1998 Act(**5**),

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(1) S.I. 1999/991, regulation 3 was amended by S.I. 1999/1623, S.I. 1999/1662, S.I. 1999/2570, S.I. 1999/2677, S.I. 2000/897, S.I. 2002/428, S.I. 2002/1379, S.I. 2002/1703, S.I. 2003/916, S.I. 2003/1050, S.I. 2003/1886, S.I. 2005/337, S.I. 2005/2677, S.I. 2006/832, S.I. 2007/2470, S.I. 2007/2582, S.I. 2008/1554, S.I. 2008/2667, S.I. 2008/2683, S.I. 2009/659, S.I. 2009/1490, S.I. 2010/840, S.I. 2010/1160, S.I. 2011/2425, S.I. 2012/824, S.I. 2012/913, S.I. 2012/919, S.I. 2012/2568, S.I. 2012/2575, S.I. 2013/2380, 2014/1097, S.I. 2015/339, S.I. 2015/1985, S.I. 2016/1145, S.I. 2017/422 and S.I. 2017/1015.

(2) Regulation 6 was amended by S.I. 1999/1623, S.I. 1999/2677, S.I. 2000/897, S.I. 2000/1596, S.I. 2001/1711, S.I. 2002/428, S.I. 2002/490, S.I. 2002/3019, S.I. 2003/1050, S.I. 2003/1886, S.I. 2003/2274, S.I. 2004/959, S.I. 2005/337, S.I. 2005/2677, S.I. 2008/1554, S.I. 2008/2667, S.I. 2008/2683, S.I. 2010/424, S.I. 2010/563, S.I. 2010/840, S.I. 2010/1160, S.I. 2012/1267, S.I. 2012/2568, S.I. 2014/1097, S.I. 2015/1985 and S.I. 2016/1145.

(3) 1998 c.14, amended by paragraph 25 of schedule 7 and paragraph 1 of schedule 10 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2), S.I. 2008/2833, sections 102 and 105 of the Welfare Reform Act 2012 (c.5) and S.I. 2014/886.

(4) Section 13 was amended by paragraph 26 of schedule 7 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and S.I. 2008/2833.

(5) Section 14 was amended by paragraph 1 of schedule 10 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and S.I. 2008/2833.

- (d) of an alteration of the rate of award of Disability Living Allowance which the individual was entitled to immediately before moving to Scotland in circumstances in which regulation 35 (individuals in respect of whom Disability Living Allowance is paid in another part of the United Kingdom immediately before moving to Scotland) applies, as a result of a decision made pursuant to—
- (i) a revision under regulation 3 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999,
  - (ii) a supersession under regulation 6 of those Regulations,
  - (iii) an appeal under section 12 of the Social Security Act 1998 (“the 1998 Act”),
  - (iv) a re-consideration under section 13 of the 1998 Act,
  - (v) an appeal to the Upper Tribunal under section 14 of the 1998 Act,
  - (vi) a revision under article 10 of the Social Security (Northern Ireland) Order 1998<sup>(6)</sup> (“the 1998 Order”),
  - (vii) a supersession under article 11 of the 1998 Order<sup>(7)</sup>,
  - (viii) an appeal under article 13 of the 1998 Order<sup>(8)</sup>, or
  - (ix) an appeal to the Commissioner under article 15 of the 1998 Order<sup>(9)</sup>.

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<sup>(6)</sup> [S.I. 1998/1506](#). Article 10 was amended by [S.I. 2015/2006](#).

<sup>(7)</sup> Article 11 was amended by [S.I. 1999/671](#) and [S.I. 2015/2006](#).

<sup>(8)</sup> Article 13 was amended by [S.I. 1999/671](#), [S.I. 2014/886](#), and [2015/2006](#).

<sup>(9)</sup> Article 15 was amended by paragraph 22(1) of schedule 7 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c.4) and [S.I. 1999/671](#).