
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make consequential provision in connection with the introduction of a new form of disability assistance, known as child disability payment, under section 31 of the Social Security (Scotland) Act 2018 (“the 2018 Act”). The child disability payment is provided for by the Disability Assistance for Children and Young People (Scotland) Regulations 2021 (“the Child Disability Payment Regulations”), along with an associated form of short-term assistance under section 36 of the 2018 Act that is payable in certain circumstances when an individual’s award of child disability payment is under review within the meaning of schedule 10 of that Act.

These Regulations come into force on 26 July 2021.

Regulations 2 to 5 make consequential amendments to secondary legislation in connection with the introduction of child disability payment. The amendments support consequential amendments made to the same legislation by the Disability Assistance for Children and Young People (Consequential Amendment and Transitional Provision) (Scotland) Regulations 2021 by providing a definition of “care home” for the purposes of some of those amendments.

The Disability Assistance for Children and Young People (Consequential Amendment and Transitional Provision) (Scotland) Regulations 2021 come into force on the same day as these Regulations and ensure that individuals who are entitled to child disability payment have the same entitlements and disregards under that legislation as individuals who are entitled to disability living allowance (“DLA”) payable under the Social Security Contributions and Benefits Act 1992.

No business and regulatory impact assessment has been prepared for these Regulations.