

2021 No. 122

SOCIAL SECURITY

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

<i>Made</i>	- - - -	<i>5th March 2021</i>
<i>Laid before the Scottish Parliament</i>		<i>9th March 2021</i>
<i>Coming into force</i>	- -	<i>26th July 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 95 of the Social Security (Scotland) Act 2018(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Disability Assistance for Children and Young People (Consequential Amendments) (Scotland) Regulations 2021 and come into force on 26 July 2021.

Amendment of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003

2. In Table B in Part 2 of the schedule (calculation of requirements) of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003(b), in column 2 of the entry which modifies the table in schedule 2 of the Income Support (General) Regulations 1987, after the inserted paragraph 13A(3) insert—

“(4) In this paragraph, “care home” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021(c).”.

Amendment of the National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services) (Scotland) Order 2006

3. In article 2 (interpretation) of the National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services) (Scotland) Order 2006(d), after the definition of “the 1992 Act” insert—

““care home” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”.

(a) 2018 asp 9.
(b) S.S.I. 2003/460, relevantly amended by S.S.I. 2008/390, S.S.I. 2013/142 and S.S.I. 2021/73. S.S.I. 2021/73 comes into force on the same day as, and contains amendments which are supported by the amendments made by, these Regulations.
(c) S.S.I. 2021/XXX.
(d) S.S.I. 2006/117. There are amendments to article 2 which are not relevant to these Regulations.

Amendment of the Council Tax Reduction (Scotland) Regulations 2012

4. After paragraph 12(3) (enhanced disability premium) of schedule 1 (applicable amount) of the Council Tax Reduction (Scotland) Regulations 2012(a) insert—

“(4) In this paragraph, “care home” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021.

(5) For the purposes of sub-paragraph (1)(bza), a child or young person is to be considered a member of the applicant’s family if the child or young person would be considered a member of the applicant’s family were the child or young person not resident in a care home.”.

Amendment of the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012

5. After paragraph 8(2) (enhanced disability premium) of schedule 1 (applicable amount) of the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012(b) insert—

“(3) In this paragraph, “care home” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021.

(4) For the purposes of sub-paragraph (1)(c), a child or young person is to be considered a member of the applicant’s family if the child or young person would be considered a member of the applicant’s family were the child or young person not resident in a care home.”.

SHIRLEY-ANNE SOMERVILLE

A member of the Scottish Government

St Andrew’s House,
Edinburgh
5th March 2021

(a) S.S.I. 2012/303. Paragraph 12 is relevantly amended by S.S.I. 2013/48, S.S.I. 2013/142, and S.S.I. 2021/73.

(b) S.S.I. 2012/319. Paragraph 8 is relevantly amended by S.S.I. 2013/49, S.S.I. 2013/142, and S.S.I. 2021/73.

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.

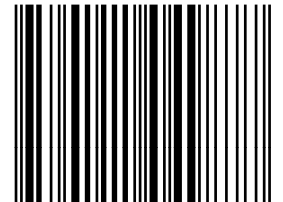
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