
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for Child Disability Payment which is a type of disability assistance given by the Scottish Ministers under section 31 of the Social Security (Scotland) Act 2018.

Part 2 provides an overview of arrangements for payment of disability assistance for children and young people (“Child Disability Payment”).

Part 3 deals with eligibility for the assistance on account of having a disability, including age criteria, residence and presence conditions, entitlement to other benefits, care component criterion and mobility requirements.

Part 4 sets out rules of entitlement to the assistance on account of having a terminal illness, and when undergoing dialysis at home.

Part 5 deals with the effect on entitlement to the care component of the assistance of residence when in a care home or hospital or in legal detention.

Part 6 deals with the making of applications, payments, the amount and form of Child Disability Payment and ongoing eligibility. It also provides for when increases or decreases of entitlement take effect and giving assistance by way of deduction.

Part 7 deals with reconsideration of entitlement, where an award of assistance has already been made and is being revisited. It provides for determinations without application to be made where a specified period has elapsed, there is a change in circumstances, to address error or official error or to effect a deduction decision.

Part 8 deals with the situation where people in receipt of the assistance, and the DWP equivalent, move to and from Scotland, from other parts of the United Kingdom.

Part 9 provides for time periods for dealing with requests for re-determination of entitlement.

Part 10 makes provision for the Scottish Ministers to make payment to suppliers of adapted vehicles, with whom recipients of the assistance have entered agreements for hire or hire purchase. These suppliers must be accredited according to a scheme operated by the Scottish Ministers.

Part 11 and Part 2 of the schedule makes provision for an initial period for applications to take place before the rollout of the assistance.

Part 12 and Part 3 of the schedule makes provision to transfer individuals who are awarded Disability Living Allowance to become entitled to Child Disability Payment.

Part 13 and Part 1 of the schedule deals with entitlement to short term assistance, to bridge the gap, in the event that entitlement to the assistance is reduced or removed. This is payable, in certain circumstances, during the time when the change in entitlement is being challenged but the outcome is not yet known.

Part 14 and Part 4 of the schedule makes provision for a consequential amendment to the Social Security Contributions and Benefits Act 1992.

Part 15 deals with an initial period for applications by way of transitory provision.

Changes to legislation:

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