

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 174

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

PART 8

Movement of individuals between Scotland and the rest of the United Kingdom

Individuals in respect of whom Disability Living Allowance is paid in another part of the United Kingdom immediately before moving to Scotland

35.—(1) Where an individual—

- (a) is under 18 years of age,
- (b) becomes resident in Scotland,
- (c) was resident in another part of the United Kingdom, and
- (d) was entitled to Disability Living Allowance immediately before the date of the move,

the Scottish Ministers are to make a determination without application of the individual's entitlement to Child Disability Payment.

(2) Entitlement to Child Disability Payment under paragraph (1) begins on the day after the day on which ^{F1}the individual's entitlement to Disability Living Allowance ends].

(3) In this regulation, “the date of the move” is the date when the individual becomes resident in Scotland as notified by the individual ^{F2}or otherwise communicated] to the Scottish Ministers (whether the notification takes place before or after the date of the move).

Textual Amendments

- F1** Words in [reg. 35\(2\)](#) substituted (22.11.2021) by [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), regs. 1, **16(a)**
- F2** Words in [reg. 35\(3\)](#) inserted (22.11.2021) by [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), regs. 1, **16(b)**

Commencement Information

- I1** [Reg. 35](#) in force at 26.7.2021, see [reg. 1](#)

Individuals in respect of whom Child Disability Payment is paid at the time of moving to another part of the United Kingdom

36.—(1) Where the Scottish Ministers ^{F3}become aware] that an individual who is entitled to Child Disability Payment has moved or is to move to become ^{F4}... resident in another part of the United Kingdom, the individual is to be treated as though the individual meets the condition ^{F5}under

regulation 5(1)(a)] of being ordinarily resident in Scotland for a period of 13 weeks beginning [^{F6}in accordance with paragraph (4)] .

(2) Subject to Part 5 (effect of time spent in care homes and in legal detention), where the Scottish Ministers [^{F7}become aware that an individual has moved or is to move to another part of the United Kingdom as] mentioned in paragraph (1), they are to make a determination without application at the end of the 13-week period mentioned in paragraph (1) that the individual's entitlement to Child Disability Payment is to terminate.

(3) Where before the end of the 13-week period, the Scottish Ministers [^{F8}become aware] that the individual is no longer to move to become ^{F9}... resident in another part of the United Kingdom, ^{F10}... the duty in paragraph (2) does not apply.

[^{F11}(4) The 13-week period mentioned in paragraph (1) begins—

- (a) if the Scottish Ministers become aware that the individual is to become resident in another part of the United Kingdom, on the date the individual ceases to be ordinarily resident in Scotland,
- (b) if the Scottish Ministers become aware after the date when the individual becomes resident in another part of the United Kingdom, but before they have been resident there for 13 weeks, on the date the individual notifies the Scottish Ministers of the move, or
- (c) in any other case, on the date that the individual ceases to be ordinarily resident in Scotland.]

[^{F12}(5) On the day after the 13-week period specified in paragraph (4) ends—

- (a) entitlement to Child Disability Payment ends, and
- (b) regulation 33 (determination following error – overpayments) applies to any Child Disability Payment paid to an individual in relation to a period after the end of that 13-week period.]

Textual Amendments

- F3** Words in [reg. 36\(1\)](#) substituted (22.11.2021) by [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), regs. 1, [17\(a\)\(i\)](#)
- F4** Word in [reg. 36\(1\)](#) omitted (22.11.2021) by virtue of [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), regs. 1, [17\(a\)\(ii\)](#)
- F5** Words in [reg. 36\(1\)](#) inserted (22.11.2021) by [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), regs. 1, [17\(a\)\(iii\)](#)
- F6** Words in [reg. 36\(1\)](#) substituted (22.11.2021) by [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), regs. 1, [17\(a\)\(iv\)](#)
- F7** Words in [reg. 36\(2\)](#) substituted (22.11.2021) by [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), regs. 1, [17\(b\)](#)
- F8** Words in [reg. 36\(3\)](#) substituted (22.11.2021) by [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), regs. 1, [17\(c\)\(i\)](#)
- F9** Word in [reg. 36\(3\)](#) omitted (22.11.2021) by virtue of [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), regs. 1, [17\(c\)\(ii\)](#)
- F10** Words in [reg. 36\(3\)](#) omitted (22.11.2021) by virtue of [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), regs. 1, [17\(c\)\(iii\)](#)
- F11** [Reg. 36\(4\)](#) substituted (22.11.2021) by [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), regs. 1, [17\(d\)](#)
- F12** [Reg. 36\(5\)](#) substituted (22.11.2021) by [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), regs. 1, [17\(e\)](#)

Changes to legislation: There are currently no known outstanding effects for the The Disability Assistance for Children and Young People (Scotland) Regulations 2021, PART 8. (See end of Document for details)

Commencement Information

12 [Reg. 36](#) in force at 26.7.2021, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Disability Assistance for Children and Young People (Scotland) Regulations 2021, PART 8.