

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 174

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

PART 3

Eligibility

Mobility requirements: lower rate mobility component

12.—(1) An individual aged 5 years or more is entitled to be given the mobility component at the lower rate (see regulation 23(2)(b)) if the individual satisfies the condition set out in paragraph (2).

(2) The condition referred to in paragraph (1) is that the individual, though able to walk, cannot move around outdoors without requiring guidance or supervision from another person most of the time as a result of a physical or mental impairment.

(3) The guidance or supervision required must be—

- (a) substantially in excess of the normal requirements of a person of the same age, or
- (b) of such a description which younger persons in normal physical and mental health may also require but which persons of the individual's age and in normal physical and mental health would not require.

(4) In the case of an individual who is under the age of 16 on the date on which the award of the mobility component would begin, paragraph (3) only applies in relation to so much of any period mentioned in that paragraph as falls before the day on which the individual reaches the age of 16.

(5) Whether the individual satisfies the condition in paragraph (2), no account is to be taken of any ability which the individual has to use routes with which they are familiar, without guidance or supervision from another person.

(6) An individual is not entitled to the lower rate of the mobility component unless—

- (a) throughout the period of 13 weeks immediately preceding the date on which the award of that component would begin, the individual has satisfied or is likely to satisfy the condition mentioned in paragraph (2), and
- (b) the individual is likely to continue to satisfy the condition mentioned in paragraph (2) throughout the period of 26 weeks beginning with that date.

(7) In this regulation, “guidance” means direction or leading by physical means or verbal suggestion or persuasion.

Commencement Information

II [Reg. 12](#) 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, Section 12.