

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 174

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

PART 5

Effect of time spent in care homes and in legal detention

Effect of legal detention on ongoing entitlement to care component

18.—(1) This regulation applies where an individual who has an ongoing entitlement to the care component of Child Disability Payment is in legal detention.

[^{F1}(1A) For the purposes of this regulation, an individual is to be treated as though they are not in legal detention on any day on which they are an in-patient in a hospital or hospice.]

(2) [^{F2}On the day after] the day on which an individual has been in legal detention for 28 days, and for so long as the individual continues to be in legal detention, the value of the care component of Child Disability Payment that is to be given to the individual is to be £0, instead of the values set out in regulation 23 (amount and form of Child Disability Payment).

Textual Amendments

- F1** Reg. 18(1A) inserted (22.11.2021) by [The Disability Assistance for Children and Young People \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/416\)](#), regs. 1, **11(a)**
- F2** Words in reg. 18(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, **11(b)**

Commencement Information

- I1** [Reg. 18](#) 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 18.