
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 416

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

Amendment of regulation 28 (when an increase in level of entitlement takes effect)

- 13.** In regulation 28 (when an increase in level of entitlement takes effect)—
- (a) in the opening text of paragraph (1) for “changed entitlement begins” substitute “change takes effect”,
 - (b) in paragraph (1)(a) for “31(d)” substitute “31(c) or (d)”,
 - (c) in paragraph (1)(b)—
 - (i) omit “as a result of the individual reporting a change”,
 - (ii) for heads (i) to (iii) substitute—
 - “(i) if as a result of the individual reporting the change—
 - (aa) if the individual reports the change within one month of the change occurring, the individual first satisfies the requirements for a higher rate of the care or mobility component,
 - (bb) if the individual reports the change more than one month but not more than 13 months of the change occurring, the individual first satisfies the requirements for a higher rate of the care or mobility component, but only if the Scottish Ministers consider that the individual had good reason for not notifying the change within one month,
 - (cc) in any other case, the individual reports the change,
 - (ii) if as a result of the Scottish Ministers becoming aware that an earlier determination of an individual’s entitlement was made in ignorance of a material fact, on the date when the Scottish Ministers make the determination.”,
 - (d) after paragraph (2) insert—
 - “(2A) Where an individual has previously received Child Disability Payment for a period and a determination without application has been subsequently made that the same individual is entitled to Child Disability Payment at a higher rate for that period, that individual will be entitled to the difference between the value of entitlement to Child Disability Payment under the subsequent determination and the value of Child Disability Payment to which that individual was previously entitled for that period.”.