
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 416

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

Amendment of regulation 36 (individuals in respect of whom Child Disability Payment is paid at the time of moving to another part of the United Kingdom)

17. In regulation 36 (individuals in respect of whom Child Disability Payment is paid at the time of moving to another part of the United Kingdom)—

- (a) in paragraph (1)—
 - (i) for “are notified” substitute “become aware”,
 - (ii) omit “ordinarily” in the first place where it appears,
 - (iii) after “condition” insert “under regulation 5(1)(a)”,
 - (iv) for “with the date of the move” substitute “in accordance with paragraph (4)”,
- (b) in paragraph (2) for “receive notification” substitute “become aware that an individual has moved or is to move to another part of the United Kingdom as”,
- (c) in paragraph (3)—
 - (i) for “are notified” substitute “become aware”,
 - (ii) omit “ordinarily”,
 - (iii) omit “the notification mentioned in paragraph (1) is to be treated as not having been made and”,
- (d) for paragraph (4) substitute—
 - “(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.”,
- (e) for paragraph (5) substitute—
 - “(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.”.