
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 416

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

Amendment of regulation 4 (age criteria)

4. In regulation 4 (age criteria)—
- (a) in paragraph (1) for “regulation 15 (entitlement under special rules for terminal illness)” substitute “paragraph (1A), (1B) and (2)”,
 - (b) after paragraph (1) insert—
 - “(1A) Where regulation 15 (entitlement under special rules for terminal illness) applies, the requirement in paragraph (1) to be aged at least 3 months does not apply.
 - (1B) Child Disability Payment may continue to be paid in respect of an individual who is over the age of 17 years—
 - (a) where they are an individual to whom regulation 15 (entitlement under special rules for terminal illness) applies,
 - (b) until the age of 19 years where—
 - (i) the individual is awaiting a determination of their entitlement to disability assistance for working age people under regulations made under section 31 of the 2018 Act,
 - (ii) they are an individual mentioned in regulation 35 (individuals in respect of whom Disability Living Allowance is paid in another part of the United Kingdom immediately before moving to Scotland), or
 - (iii) they are a transferring individual in terms of Part 3 of the schedule.”,
 - (c) at the beginning of paragraph (2) insert “Where an individual’s entitlement to Child Disability Payment is first determined on the basis of an application made in accordance with section 38 of the 2018 Act.”.