
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 73

**The Disability Assistance for Children and
Young People (Consequential Amendment and
Transitional Provision) (Scotland) Regulations 2021**

Amendment of the Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020

18.—(1) The Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020⁽¹⁾ are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation)—

(a) after the definition of “the 2018 Act”, insert—

““the 2021 Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021⁽²⁾”

(b) after the definition of “child”, insert—

““Child Disability Payment” means disability assistance for children and young people given in accordance with the 2021 Regulations.”

(3) In regulation 4 (eligibility rules for child winter heating assistance)—

(a) for paragraph (1)(b) substitute—

“(b) entitled to receive payment of the highest rate of the care component of—

(i) Disability Living Allowance, or

(ii) Child Disability Payment, and”

(b) in paragraph (2), for “paragraph (1)(b)” substitute “paragraph (1)(b)(i)”, and

(c) after paragraph (2), insert—

“(3) For the purposes of the rule in paragraph (1)(b)(ii), an individual is to be treated as being entitled to receive payment even if, throughout the qualifying week—

(a) regulation 17(2) (effect of admission to a care home on ongoing entitlement to care component) of the 2021 Regulations applies to the individual, or

(b) regulation 20 (entitlement beginning while in alternative accommodation) of the 2021 Regulations applies to the individual due to the individual being resident in a care home.

(4) In paragraph (3), “care home” has the meaning given in regulation 2 of the 2021 Regulations.”

(4) In regulation 8(b) (determination following backdated award of assistance), for subparagraph (i) substitute—

“(i) following an appeal, an award of the highest rate of the care component of—

(1) S.S.I. 2020/352.

(2) S.S.I. 2021/174.

(aa) Disability Living Allowance, or
(bb) Child Disability Payment,
is made that is a backdated award, and”.