
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 73

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

Transitional provision – extinguishment of right to apply for Disability Living Allowance

19.—(1) No person may claim disability living allowance who is under the age of 16 years and—

- (a) during the initial period for applications for child disability payment, is resident in the local authority area of Perthshire and Kinross, City of Dundee or the Western Isles, or
- (b) after the expiry of that period—
 - (i) is resident in Scotland, or
 - (ii) is a person to whom regulation 5(4) or (6) (residence and presence conditions – individuals resident in Ireland, members of Her Majesty’s forces and civil servants) or regulation 9 (persons residing outside the United Kingdom to whom a relevant EU regulation applies) of the Child Disability Payment Regulations applies.

(2) Paragraph (1) does not apply to a person who has an award of disability living allowance which is of—

- (a) both the mobility component and the care component and the award in respect of either or both is for a fixed term period, or
- (b) one of those components only and the award is for a fixed term period,

if the person has been notified by the Secretary of State for Work and Pensions that, because the fixed term period is due to come to an end, the person needs to claim disability living allowance again, or to apply for a supersession of the award, if the person wishes to continue to be entitled to disability living allowance in respect of the component or components subject to the fixed term period.

(3) In this regulation—

“child disability payment” means disability assistance for children and young people given in accordance with the Child Disability Payment Regulations,

“Child Disability Payment Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021(1),

“disability living allowance” means a disability living allowance under section 71 of the Social Security Contributions and Benefits Act 1992(2),

“initial period for applications” means the period referred to in regulation 44 (transitory provision – initial period for applications) of the Child Disability Payment Regulations, beginning with 26 July 2021 and ending with 21 November 2021.