
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 31

**The Disability Assistance for Working Age People
(Consequential and Miscellaneous Amendment and
Transitional Provision) (Scotland) Regulations 2022**

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) after the definition of “the 2021 Regulations” insert—
““the 2022 Regulations” means the Disability Assistance for Working Age People (Scotland) Regulations 2022⁽²⁾,

“Adult Disability Payment” means disability assistance for adults given in accordance with the 2022 Regulations.”.

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

(a) for paragraph (1)(b)(ii) substitute—

“(ii) the enhanced rate of the daily living component of—

(aa) Personal Independence Payment, or

(bb) Adult Disability Payment, and”.

(b) in paragraph (5) for “paragraph (1)(b)(ii)” substitute “paragraph (1)(b)(ii)(aa)”.

(c) after paragraph (7) insert—

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

(a) regulation 27(2) (effect of admission to a care home on ongoing entitlement to daily living component) of the 2022 Regulations applies to the individual,

(b) regulation 28(2) (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the 2022 Regulations applies to the individual,

(c) regulation 32 (entitlement beginning while in alternative accommodation) of the 2022 Regulations applies to the individual due to the individual being resident in a care home or being an in-patient in a hospital or similar institution.

(9) In paragraph (8), “care home” has the meaning given in regulation 2 of the 2022 Regulations.”.

(4) In regulation 8 (determination following backdated award of assistance), in paragraph (b)(i)—

(a) at the end of head (bb) omit “or”,

(b) after head (cc) insert—

(1) S.S.I. 2020/352, relevantly amended by S.S.I. 2021/73 and S.S.I. 2021/415.

(2) S.S.I. 2022/54.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“, or

(dd) the enhanced rate of the daily living component of Adult Disability Payment,”.