
STATUTORY INSTRUMENTS

2021 No. 786

The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021

Amendment of the Employment and Support Allowance Regulations 2013

23.—(1) Regulation 94 of the Employment and Support Allowance Regulations 2013⁽¹⁾ (meaning of “person in hardship”) is amended as follows.

(2) In paragraph (3)—

- (a) in sub-paragraph (b), after “disability living allowance”, insert “, child disability payment”;
- (b) in sub-paragraph (c)(ii), after “disability living allowance”, insert “, child disability payment”.

(3) In paragraph (7), for the definition of “care component” substitute—

““care component” means—

- (a) the care component of disability living allowance at the highest or middle rate prescribed under section 72(3) of the Contributions and Benefits Act; or
- (b) the care component of child disability payment at the highest or middle rate provided for in regulation 11(5) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;

“child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”.