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STATUTORY INSTRUMENTS

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**2021 No. 786**

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

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021.

(2) This Order comes into force on 26th July 2021.

(3) Each amendment made by this Order has the same extent as the provision being amended.

**Amendment of the Income Support (General) Regulations 1987**

2. Schedule 1 contains amendments to the Income Support (General) Regulations 1987(1).

**Amendment of the Income Support (General) Regulations (Northern Ireland) 1987**

3. Schedule 2 contains amendments to the Income Support (General) Regulations (Northern Ireland) 1987(2).

**Amendment of the Jobseeker's Allowance Regulations 1996**

4. Schedule 3 contains amendments to the Jobseeker's Allowance Regulations 1996(3).

**Amendment of the Jobseeker's Allowance Regulations (Northern Ireland) 1996**

5. Schedule 4 contains amendments to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(4).

**Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999**

6.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999(5) are amended as follows.

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- (1) S.I. 1987/1967, as amended by S.I. 1990/1776, 1991/2742, 1993/2119, 1994/2139, 1995/482, 1996/206 and 1517, 2003/455, 2005/2687, 2007/719, 2011/674 and 2013/388 and 591. There are other amendments not relevant to this instrument.
- (2) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 146, S.R. 1992 No. 6, S.R. 1993 Nos. 165 and 218, S.R. 1994 No. 327, S.R. 1995 Nos. 67 and 434, S.R. 1996 Nos. 199 and 358, S.R. 2000 Nos. 74 and 241, S.R. 2002 No. 132, S.R. 2003 No. 195, S.R. 2007 No. 154, S.R. 2008 No. 498, S.R. 2009 No. 418, S.R. 2011 No. 135, S.I. 2013/3021, S.R. 2016 No. 228 and S.R. 2017 No. 79.
- (3) S.I. 1996/207, as amended by S.I. 2000/1978, 2001/3767, 2007/719, 2008/3157 and 2013/388, 591 and 630. There are other amendments not relevant to this instrument.
- (4) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 356, S.R. 2000 Nos. 350 and 367, S.R. 2002 Nos. 132 and 323, S.R. 2003 No. 195, S.R. 2007 Nos. 154 and 719, S.R. 2008 No. 498, S.R. 2011 Nos. 135 and 357, S.I. 2013/3021, S.R. 2014 No. 263, S.R. 2016 Nos. 228 and 236 and S.R. 2017 No. 79.
- (5) S.I. 1999/991, as amended by S.I. 1999/1662, S.I. 2000/1596, S.I. 2002/428, S.I. 2006/832, S.I. 2013/381 and S.I. 2016/1145; there are other amending instruments but none is relevant.

- (2) In regulation 1(3) (interpretation etc), after the definition of “the Board”, insert—  
 ““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”<sup>(6)</sup>.
- (3) In regulation 3(7)(b) (revision of decisions), after both occurrences of “benefit”, insert “or child disability payment”.
- (4) In regulation 6(2)(e)(ii) (supersession of decisions), after both occurrences of “benefit”, insert “or child disability payment”.
- (5) In regulation 7(7)(a) (date from which a decision superseded under section 10 takes effect), after both occurrences of “benefit”, insert “or child disability payment”.

### **Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999**

7.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999<sup>(7)</sup> are amended as follows.

- (2) In regulation 1(2) (interpretation), before the definition of “claimant”, insert—  
 ““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 in circumstances where regulation 36(1) of those Regulations applies;”.
- (3) In regulation 3(7)(b) (revision of decisions), after both occurrences of “benefit”, insert “or child disability payment”.
- (4) In regulation 6(2)(e)(ii) (supersession of decisions), after both occurrences of “relevant benefit”, insert “or child disability payment”.
- (5) In regulation 7(7)(a) (date from which a decision superseded under Article 11 takes effect), after both occurrences of “benefit”, insert “or child disability payment”.

### **Amendment of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001**

8.—(1) The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001<sup>(8)</sup> are amended as follows.

- (2) In regulation 1(2) (interpretation etc), after the definition of “benefit week”, insert—  
 ““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”.
- (3) In regulation 4(7B)(b) (revision of decisions)—  
 (a) after “Act”, insert “or child disability payment”;  
 (b) after the second occurrence of “benefit”, insert “or child disability payment”.
- (4) In regulation 7(2)(i)(ii) (decisions superseding earlier decisions)—  
 (a) after “Act”, insert “or child disability payment”;  
 (b) after the second occurrence of “benefit”, insert “or child disability payment”.
- (5) In regulation 8(14) (date from which a decision superseding an earlier decision takes effect) after both occurrences of “benefit”, insert “or child disability payment”.

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(6) [S.S.I. 2021/174](#).

(7) [S.R. 1999 No. 162](#); relevant amending Regulations are [S.R. 2000 No. 215](#), [S.R. 2002 No. 67](#), [S.R. 2005 No. 46](#) and [S.R. 2006 No. 168](#).

(8) [S.I. 2001/1002](#), as amended by [S.I. 2003/2275](#), [S.I. 2008/1082](#), [S.I. 2010/1907](#) and [S.I. 2014/213](#); there are other amending instruments but none is relevant.

### **Amendment of the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001**

**9.**—(1) The Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(9) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), after the definition of “benefit week”, insert—

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

(3) In regulation 4(6B)(b) (revision of decisions), after “Order” and after the second occurrence of “benefit”, insert “or child disability payment”.

(4) In regulation 7(2)(h)(ii) (decisions superseding earlier decisions), after “Order” and after the second occurrence of “benefit”, insert “or child disability payment”.

(5) In regulation 8(12) (date from which a decision superseding an earlier decision takes effect) after both occurrences of “benefit”, insert “or child disability payment”.

### **Amendment of Schedule 2A to the State Pension Credit Regulations 2002**

**10.**—(1) Schedule 2A to the State Pension Credit Regulations 2002(10) is amended as follows.

(2) In paragraph 9 (amount of additional payment)—

(a) in sub-paragraph (2), after “disability living allowance”, insert “, child disability payment (within the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021(11))”;

(b) in sub-paragraph (3), after paragraph (a), insert—

“(aa) entitled to the care component of child disability payment at the highest rate in accordance with regulation 11(5) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021; or”.

### **Amendment of Schedule 2A to the State Pension Credit Regulations (Northern Ireland) 2003**

**11.**—(1) Schedule 2A to the State Pension Credit Regulations (Northern Ireland) 2003(12) (additional amount applicable for claimants responsible for a child or qualifying young person) is amended as follows.

(2) In paragraph 9 (amount of additional payment)—

(a) in sub-paragraph (2), after “disability living allowance”, insert “, child disability payment (within the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021)”;

(b) in sub-paragraph (3), after head (a), insert—

“(aa) entitled to the care component of child disability payment at the highest rate in accordance with regulation 11(5) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021; or”.

(9) S.R. 2001 No. 213; relevant amending Regulations are S.R. 2003 No. 418, S.R. 2007 No. 266, S.R. 2008 No. 378, S.R. 2010 No. 312, S.R. 2015 No. 411 and S.R. 2016 No. 230.

(10) S.I. 2002/1792, as amended by S.I. 2018/676. There are other amendments not relevant to this instrument.

(11) S.S.I. 2021/174. See regulation 11(5) which sets out the entitlement rules for the different rates of child disability payment.

(12) S.R. 2003 No. 28; relevant amending Regulation is S.R. 2018 No. 135.

### **Amendment of the Housing Benefit Regulations 2006**

12. Schedule 5 contains amendments to the Housing Benefit Regulations 2006(13).

### **Amendment of the Housing Benefit Regulations (Northern Ireland) 2006**

13. Schedule 6 contains amendments to the Housing Benefit Regulations (Northern Ireland) 2006(14).

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

14. Schedule 7 contains amendments to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(15).

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006**

15. Schedule 8 contains amendments to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(16).

### **Amendment of the Employment and Support Allowance Regulations 2008**

16. Schedule 9 contains amendments to the Employment and Support Allowance Regulations 2008(17).

### **Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008**

17. Schedule 10 contains amendments to the Employment and Support Allowance Regulations (Northern Ireland) 2008(18).

### **Amendment of the Child Support Maintenance Calculation Regulations 2012**

18.—(1) Regulation 64 of the Child Support Maintenance Calculation Regulations 2012(19) (illness or disability of relevant other child) is amended as follows.

(2) In paragraph (2)—

- (a) in sub-paragraph (a)(i), after “disability living allowance” insert “, child disability payment”;
- (b) in sub-paragraph (a)(ii), after “disability living allowance” insert “, or the care component of child disability payment in accordance with regulation 11 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021,”;
- (c) after sub-paragraph (a) insert—

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(13) S.I. 2006/213, as amended by S.I. 2005/2502 and 3360, 2007/2868, 2008/1042, 1082, and 3157, 2009/1488, 2010/641 and 2835, 2012/2994, 2013/388, 591, 630 and 2828, 2014/213 and 2888, 2016/909, 2017/204 and 213. There are other amendments not relevant to this instrument.

(14) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2011 No. 51, S.R. 2016 Nos. 55, 228 and 326 and S.R. 2017 No. 70.

(15) S.I. 2006/214, as amended by S.I. 2008/1082 and 3157, 2010/2835, 2011/674 and 2425, 2013/388, 591, 630 and 2828, 2014/213, 2017/204, 213 and 1187. There are other amendments not relevant to this instrument.

(16) S.R. 2006 No. 406; relevant amending Regulations are S.R. 2011 No. 51, S.R. 2016 Nos. 228 and 326 and S.R. 2017 No. 70.

(17) S.I. 2008/794, as amended by S.I. 2008/2428, 2013/388 and 591 and 2015/1754. There are other amendments not relevant to this instrument.

(18) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2008 No. 413, S.I. 2013/3021 and S.R. 2016 No. 228.

(19) S.I. 2012/2677, as amended by S.I. 2013/388 and 591. There are other amendments not relevant to this instrument.

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

(3) In paragraph (3)(b) after “disability living allowance” insert “, child disability payment”.

### **Amendment of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012**

**19.**—(1) Regulation 63 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012(**20**) (illness or disability of relevant other child) is amended as follows.

(2) In paragraph (2)(a)—

(a) in head (i)(**21**), after “armed forces independence payment” insert “, child disability payment”;

(b) in head (ii)(**22**), after “disability living allowance” insert “, or the care component of child disability payment in accordance with regulation 11 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021,”;

(c) after sub-paragraph (aa) insert—

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

(3) In paragraph (3)(b)(**23**) after “armed forces independence payment” insert “, child disability payment”.

### **Amendment of the Universal Credit Regulations 2013**

**20.** Schedule 11 contains amendments to the Universal Credit Regulations 2013(**24**).

### **Amendment of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013**

**21.**—(1) The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013(**25**) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of “child” insert—

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

(3) In regulation 12(b) (award of another benefit), after both occurrences of “benefit”, insert “or child disability payment”.

(4) In paragraph 31 of Schedule 1 (effective dates for superseding decisions made on the ground of a change of circumstances), in sub-paragraphs (1), (2)(a)(i), (2)(a)(ii) and (2)(a)(iii), after each occurrence of “benefit”, insert “or child disability payment”.

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(20) [S.R. 2012 No. 427](#); relevant amending Regulations are [S.I. 2013/3021](#) and [S.R. 2016 No. 228](#).

(21) Head (i) was amended by Art 31(2)(a) of [S.I. 2013/3021](#) and regulation 39(a) of [S.R. 2016 No. 228](#).

(22) Head (ii) was amended by regulation 39(b) of [S.R. 2016 No. 228](#).

(23) Regulation 63(3)(b) was amended by Article 31(2)(c)(i) of [S.I. 2013/3021](#).

(24) [S.I. 2013/376](#), as amended by [S.I. 2013/2828](#), [2017/213](#) and [2020/827](#). There are other amendments not relevant to this instrument.

(25) [S.I. 2013/381](#), to which there are amendments not relevant to this Order.

### **Amendment the Jobseeker’s Allowance Regulations 2013**

**22.**—(1) Regulation 42 of the Jobseeker’s Allowance Regulations 2013(**26**) (remunerative work) is amended as follows.

(2) In paragraph (3)(c)—

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

(3) In paragraph (4)—

(a) after the definition of “armed forces independence payment”, insert—

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

(b) 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 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;”.

### **Amendment of the Employment and Support Allowance Regulations 2013**

**23.**—(1) Regulation 94 of the Employment and Support Allowance Regulations 2013(**27**) (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;”.

### **Amendment of the Universal Credit Regulations (Northern Ireland) 2016**

**24.** Schedule 12 contains amendments to the Universal Credit Regulations (Northern Ireland) 2016(**28**).

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(26) S.I. 2013/378, as amended by S.I. 2013/591. There are other amendments not relevant to this instrument.

(27) S.I. 2013/379, as amended by S.I. 2013/591. There are other amendments not relevant to this instrument.

(28) S.R. 2016 No. 216; relevant amending Regulations are S.R. 2016 No. 375, S.I. 2016/999 (N.I. 1), S.R. 2017 No. 70, S.R. 2018 Nos. 92 and 187 and S.R. 2020 No. 166.

### **Amendment of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016**

**25.**—(1) The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016<sup>(29)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “child” insert—

““child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 in circumstances where regulation 36(1) of those Regulations applies;”.

(3) In regulation 12(b) (award of another benefit), after both occurrences of “benefit”, insert “or child disability payment”.

(4) In paragraph 31 of Schedule 1 (effective dates for superseding decisions made on the ground of a change of circumstances), in sub-paragraphs (1) and (2)(a), after each occurrence of “benefit”, insert “or child disability payment”.

### **Amendment of the Jobseeker’s Allowance Regulations (Northern Ireland) 2016**

**26.**—(1) Regulation 41 of the Jobseeker’s Allowance Regulations (Northern Ireland) 2016<sup>(30)</sup> (remunerative work) is amended as follows.

(2) In paragraph (3)(c)—

(a) in head (ii), after “disability living allowance”, insert “, child disability payment”;

(b) in head (iv), after “disability living allowance”, insert “, child disability payment”.

(3) In paragraph (4)—

(a) after the definition of “armed forces independence payment”, insert—

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

(b) 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 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;”.

### **Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2016**

**27.**—(1) Regulation 94 of the Employment and Support Allowance Regulations (Northern Ireland) 2016<sup>(31)</sup> (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”;

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<sup>(29)</sup> S.R. 2016 No. 221, to which there are amendments not relevant to this Order.

<sup>(30)</sup> S.R. 2016 No. 218.

<sup>(31)</sup> S.R. 2016 No. 219.

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- (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;”.

Dover House  
London  
29th June 2021

*Alister Jack*  
Secretary of State  
Office of the Secretary of State for Scotland