

2021 No. 786

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

SOCIAL SECURITY

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

<i>Made</i> - - - -	<i>29th June 2021</i>
<i>Laid before Parliament</i>	<i>1st July 2021</i>
<i>Coming into force</i> - -	<i>26th July 2021</i>

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The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(2), (3) and (5) of the Scotland Act 1998(a).

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(b).

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

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

Amendment of the Jobseeker's Allowance Regulations 1996

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

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

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

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(f) are amended as follows.

(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;”(g).

(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”.

(a) 1998 c. 46; section 104 was relevantly amended by section 12 of the Scotland Act 2012 (c. 11).

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

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

(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(a) 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(b) 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”.

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

9.—(1) The Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(c) 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;”.

(a) 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.

(b) 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.

(c) 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.

(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(a) 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))”;

(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(c) (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”.

Amendment of the Housing Benefit Regulations 2006

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

Amendment of the Housing Benefit Regulations (Northern Ireland) 2006

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

(a) S.I. 2002/1792, as amended by S.I. 2018/676. There are other amendments not relevant to this instrument.
(b) S.S.I. 2021/174. See regulation 11(5) which sets out the entitlement rules for the different rates of child disability payment.
(c) S.R. 2003 No. 28; relevant amending Regulation is S.R. 2018 No. 135.
(d) 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.
(e) 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.

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(a).

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(b).

Amendment of the Employment and Support Allowance Regulations 2008

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

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(d).

Amendment of the Child Support Maintenance Calculation Regulations 2012

18.—(1) Regulation 64 of the Child Support Maintenance Calculation Regulations 2012(e) (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—

“(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(f) (illness or disability of relevant other child) is amended as follows.

(2) In paragraph (2)(a)—

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

(a) 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.

(b) 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.

(c) 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.

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

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

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

(b) in head (ii)(b), 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)(c) 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(d).

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(e) 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”.

Amendment the Jobseeker’s Allowance Regulations 2013

22.—(1) Regulation 42 of the Jobseeker’s Allowance Regulations 2013(f) (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

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

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

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

(d) 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.

(e) S.I. 2013/381, to which there are amendments not relevant to this Order.

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

- (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(a) (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(b).

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(c) 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”.

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

(b) 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.

(c) S.R. 2016 No. 221, to which there are amendments not relevant to this Order.

Amendment of the Jobseeker's Allowance Regulations (Northern Ireland) 2016

26.—(1) Regulation 41 of the Jobseeker's Allowance Regulations (Northern Ireland) 2016(a) (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(b) (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;”.

Dover House
London
29th June 2021

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

(a) S.R. 2016 No. 218.
(b) S.R. 2016 No. 219.

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

1. The Income Support (General) Regulations 1987 are amended as follows.

Amendment of regulation 2 (interpretation)

2. In regulation 2(1)—

(a) after the definition of “care home”, insert—

““child disability payment” has the meaning given in regulation 2 of the DACYP Regulations;”;

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

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

Amendment of regulation 4 (temporary absence from Great Britain)

3. In regulation 4(2)(c)(v)(aa) after “allowance”, insert “, the care component of child disability payment at the highest rate in accordance with the DACYP Regulations (see regulation 11(5) of those Regulations)”.

Amendment of Schedule 1B (prescribed categories of person)

4. In paragraph 4(a) of Schedule 1B (persons caring for another person)—

(a) in paragraph (i), after “Contributions and Benefits Act” insert “, the care component of child disability payment at the highest or middle rate in accordance with the DACYP Regulations (see regulation 11(5) of those Regulations),”;

(b) in paragraph (iii), after “disability living allowance”, insert “, child disability payment”;

(c) after paragraph (iiia), insert—

“(iiib) the person being cared for (“P”) has claimed entitlement to the care component of child disability payment in accordance with regulation 24 (when an application is to be treated as made and beginning of entitlement to assistance) of the DACYP Regulations, an award at the highest or middle rate has been made in respect of P’s claim, and where the period for which the award is payable has begun, P is in receipt of that payment;”.

Amendment of Part 3 of Schedule 2 (premiums)

5.—(1) Part 3 of Schedule 2 is amended as follows.

(2) In paragraph 7(2) after the words “Social Security Act” insert “, the care component of child disability payment at the highest or middle rate prescribed in accordance with the regulation 11(5) of the DACYP Regulations”.

(3) In paragraph 13A (Enhanced Disability Premium), in sub-paragraph (1ZA)—

(a) omit the “or” at the end of paragraph (b);

(b) after that paragraph, insert—

“(ba) the care component of child disability payment is payable to that person at the highest rate in accordance with the DACYP Regulations (see regulation 11(5) of those Regulations); or”.

(4) In paragraph 14 (Disabled Child Premium)—

(a) in sub-paragraph (1), after paragraph (a), insert—

“(aa) in receipt of child disability payment;”;

(b) in sub-paragraph (2), in the opening words after “(1)(a)” insert “, (aa)”.

Amendment of Schedule 3 (housing costs: non-dependant deductions)

6. In paragraph 18 of Schedule 3—

(a) in sub-paragraph (6)(b), after paragraph (ii), insert—

“(iia) the care component of child disability payment;”;

(b) in sub-paragraph (8)(a), after “disability living allowance” insert “, child disability payment”.

SCHEDULE 2

Article 3

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

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

1. The Income Support (General) Regulations (Northern Ireland) 1987 are amended as follows.

Amendment of regulation 2 (interpretation)

2. In regulation 2(1)—

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

““child disability payment” has the meaning given in regulation 2 of the DACYP Regulations;”;

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

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

Amendment of regulation 4 (temporary absence from Northern Ireland)

3. In regulation 4(2)(c)(v)(aa) after “allowance”, insert “, the care component of child disability payment at the highest rate in accordance with the DACYP Regulations (see regulation 11(5) of those Regulations)”.

Amendment of Schedule 1B (prescribed categories of person)

4. In paragraph 4(a) (persons caring for another person) of Schedule 1B—

(a) in head (i), after “Contributions and Benefits Act” insert “, the care component of child disability payment at the highest or middle rate in accordance with the DACYP Regulations (see regulation 11(5) of those Regulations),”;

(b) in head (iii), after “disability living allowance”, insert “, child disability payment”;

(c) after head (iiia), insert—

“(iib) the person being cared for (“P”) has claimed entitlement to the care component of child disability payment in accordance with regulation 24 (when an application is to be treated as made and beginning of entitlement to assistance) of the DACYP Regulations, an award at the highest or middle rate has been made in respect of P’s claim, and where the period for which the award is payable has begun, P is in receipt of that payment; or”.

Amendment of Part 3 of Schedule 2 (premiums)

5.—(1) Part 3 of Schedule 2 is amended as follows.

(2) In paragraph 7(2), after the words “principal Act” insert “, the care component of child disability payment at the highest or middle rate prescribed in accordance with the regulation 11(5) of the DACYP Regulations”.

(3) In paragraph 13A (enhanced disability premium), in sub-paragraph (1ZA)—

(a) omit the “or” at the end of (b);

(b) after that head, insert—

“(ba) the care component of child disability payment is payable to that person at the highest rate in accordance with the DACYP Regulations (see regulation 11(5) of those Regulations); or”.

(4) In paragraph 14 (disabled child premium)—

(a) in sub-paragraph (1), after head (a), insert—

“(aza) in receipt of child disability payment;”;

(b) in sub-paragraph (2), in the opening words after “(a)” insert “, (aza)”.

Amendment of Schedule 3 (housing costs)

6. In paragraph 18 (non-dependant deductions) of Schedule 3—

(a) in sub-paragraph (6)(b)—

(i) at the end of sub-head (ii) substitute “.” for “,”;

(ii) after that sub-head, insert—

“(iia) the care component of child disability payment, or”;

(b) in sub-paragraph (8)(a), after “disability living allowance” insert “, child disability payment”.

SCHEDULE 3

Article 4

Amendment of the Jobseeker's Allowance Regulations 1996

Amendment of the Jobseeker's Allowance Regulations 1996: general

1. The Jobseeker's Allowance Regulations 1996 are amended as follows.

Amendment of regulation 1 (interpretation etc)

2. In regulation 1(3)—

- (a) after the definition of “the Caxton Foundation”, insert—
““child disability payment” has the meaning given in regulation 2 of the DACYP Regulations;”
- (b) after the definition of “Crown tenant”, insert—
““DACYP Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”.

Amendment of regulation 51 (remunerative work)

3. In regulation 51(3)(c)—

- (a) in paragraph (i), after “middle rate:” insert “the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;”;
- (b) in paragraph (ii), after “disability living allowance,” insert “child disability payment;”;
- (c) after paragraph (iv), insert—
“(iva) a person who has claimed child disability payment and has an award of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations for a period commencing after the date on which the claim was made;”.

Amendment of regulation 140 (meaning of “person in hardship”)

4. In regulation 140(1)(h)—

- (a) in paragraph (i), after “Benefits Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”;
- (b) in paragraph (ii), after “disability living allowance”, insert “, child disability payment”;
- (c) after paragraph (iii), insert—
“(iiia) has claimed child disability payment and has an award of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations for a period commencing after the date on which the claim was made; or”.

Amendment of regulation 146A (meaning of “couple in hardship”)

5. In regulation 146A(1)(e)—

- (a) in paragraph (i), after “Benefits Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”;

- (b) in paragraph (ii), after “disability living allowance”, insert “, child disability payment”;
- (c) after paragraph (iii), insert—
 - “(iiiia) has claimed child disability payment and has an award of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations for a period commencing after the date on which the claim was made; or”.

Amendment of Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in section 1(2B)(b) of the Jobseekers Act 1995)

6. In paragraph 3(a) of Schedule A1—

- (a) in paragraph (i), after “Benefits Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”;
- (b) in paragraph (iv), after “disability living allowance”, insert “, child disability payment”;
- (c) after paragraph (v), insert—
 - “(va) the person being cared for (“P”) has claimed entitlement to the care component of child disability payment in accordance with regulation 24 (when an application is to be treated as made and beginning of entitlement to assistance) of the DACYP Regulations, an award at the highest or middle rate has been made in respect of P’s claim, and where the period for which the award is payable has begun, P is in receipt of that payment;”.

Amendment of Part 3 of Schedule 1 (premiums)

7.—(1) Part 3 of Schedule 1 is amended as follows.

- (2) In paragraph 8(2) after the words “Benefits Act” insert “, the care component of child disability payment at the highest or middle rate prescribed in accordance with regulation 11(5) of the DACYP Regulations”.
- (3) In paragraph 15A(1ZA) (enhanced disability premium), after paragraph (a), insert—
 - “(aa) the care component of child disability payment is payable to that person at the highest rate in accordance with regulation 11(5) of the DACYP Regulations; or”.
- (4) In paragraph 16 (disabled child premium)—
 - (a) in sub-paragraph (1), after paragraph (a), insert—
 - “(aza) in receipt of child disability payment;”;
 - (b) in sub-paragraph (2), in the opening words after “(1)(a)” insert “, (aza)”.

Amendment of Part 4A of Schedule 1 (premiums for joint-claim couples)

8.—(1) Part 4A of Schedule 1 is amended as follows.

- (2) In paragraph 20D(2) (carer premium), after “Benefits Act”, insert “or the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”.

Amendment of Schedule 2 (housing costs)

9. In paragraph 17 (non-dependant deductions) of Schedule 2—

- (a) in sub-paragraph (6)(b), at the end of paragraph (ii), insert—
 - “or
 - (iia) the care component of child disability payment;”

(b) in sub-paragraph (8)(a), after “disability living allowance”, insert “, child disability payment”.

SCHEDULE 4

Article 5

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

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

1. The Jobseeker's Allowance Regulations (Northern Ireland) 1996 are amended as follows.

Amendment of regulation 1 (interpretation, etc)

2. In regulation 1(2)—

- (a) after the definition of “the Child Benefit Regulations”, insert—
““child disability payment” has the meaning given in regulation 2 of the DACYP Regulations;”;
- (b) after the definition of “Crown Servant”, insert—
““DACYP Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”.

Amendment of regulation 51 (remunerative work)

3. In regulation 51(3)(c)—

- (a) in head (i), after “middle rate,” insert “the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;”;
- (b) in head (ii), after “disability living allowance,” insert “child disability payment;”;
- (c) after head (iv), insert—
“(iva) a person who has claimed child disability payment and has an award of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations for a period commencing after the date on which the claim was made, or”.

Amendment of regulation 140 (meaning of “person in hardship”)

4. In regulation 140(1)(h)—

- (a) in head (i), after “Benefits Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”;
- (b) in head (ii), after “disability living allowance”, insert “, child disability payment”;
- (c) omit the “or” following head (iii);
- (d) after that head, insert—
“(iia) has claimed child disability payment and has an award of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations for a period commencing after the date on which the claim was made, or”.

Amendment of regulation 146A (meaning of “couple in hardship”)

5. In regulation 146A(1)(e)—

- (a) in head (i), after “Benefits Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”;
- (b) in head (ii), after “disability living allowance”, insert “, child disability payment”;
- (c) omit the “or” following head (iii);
- (d) after that head, insert—
 - “(iia) has claimed child disability payment and has an award of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations for a period commencing after the date on which the claim was made, or”.

Amendment of Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in Article 3(2B)(b) of the Order)

6. In paragraph 3(a) (member caring for another person) of Schedule A1—

- (a) in head (i), after “Benefits Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”;
- (b) in head (iv), after “disability living allowance”, insert “, child disability payment”;
- (c) after head (v), insert—
 - “(va) the person being cared for (“P”) has claimed entitlement to the care component of child disability payment in accordance with regulation 24 (when an application is to be treated as made and beginning of entitlement to assistance) of the DACYP Regulations, an award at the highest or middle rate has been made in respect of P’s claim, and where the period for which the award is payable has begun, P is in receipt of that payment;”.

Amendment of Part 3 of Schedule 1 (premiums)

7.—(1) Part 3 of Schedule 1 is amended as follows.

(2) In paragraph 8(2), after the words “Benefits Act” insert, “, the care component of child disability payment at the highest or middle rate prescribed in accordance with regulation 11(5) of the DACYP Regulations”.

(3) In paragraph 15A(1ZA) (enhanced disability premium), after head (a), insert—

“(aa) the care component of child disability payment is payable to that person at the highest rate in accordance with regulation 11(5) of the DACYP Regulations;”.

(4) In paragraph 16 (disabled child premium)—

(a) in sub-paragraph (1), after head (a), insert—

“(aza) in receipt of child disability payment;”;

(b) in sub-paragraph (2), in the opening words, after “(a)” insert “, (aza)”.

Amendment of Part 4A of Schedule 1 (premiums for joint-claim couples)

8.—(1) Part 4A of Schedule 1 is amended as follows.

(2) In paragraph 20D(2), after “Benefits Act”, insert “or the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”.

Amendment of Schedule 2 (housing costs)

9. In paragraph 17 (non-dependant deductions) of Schedule 2—

(a) in sub-paragraph (6)(b), after sub-head (ii), insert—

“(iia) the care component of child disability payment, or”;

(b) in sub-paragraph (8)(a), after “disability living allowance”, insert “, child disability payment”.

SCHEDULE 5

Article 12

Amendment of the Housing Benefit Regulations 2006

Amendment of the Housing Benefit Regulations 2006: general

1. The Housing Benefit Regulations 2006 are amended as follows.

Amendment of regulation 2 (interpretation)

2. In regulation 2(1)—

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

““child disability payment” has the meaning given in regulation 2 of the DACYP Regulations;”;
- (b) in the definition of “child who cannot share a bedroom”, for paragraph (a) substitute—

“(a) who is entitled to—

 - (i) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act; or
 - (ii) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations; and”;
- (c) after the definition of “Crown tenant”, insert—

““the DACYP Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”;
- (d) in the definition of “member of a couple who cannot share a bedroom”, after paragraph (a)(ii), insert—

“(iia) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;”;
- (e) in the definition of “person who requires overnight care”, in paragraph (a)—
 - (i) after sub-paragraph (ii), insert—

“(iiza) is in receipt of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;”;
 - (ii) in sub-paragraph (iii), after “(ii)” insert “, (iiza)”.

Amendment of regulation 28 (treatment of child care charges)

3. In regulation 28—

- (a) in paragraph (11)(d), after paragraph (iv), insert—

“(iva) child disability payment;”;
- (b) in paragraph (13), after sub-paragraph (a), insert—

“(aa) in respect of whom child disability payment is payable;”.

Amendment of regulation 74 (non-dependant deductions)

4. In regulation 74—

- (a) In paragraph (6)(b), after paragraph (ii), insert—

“(iia) the care component of child disability payment;”;
- (b) in paragraph (9)(a), after “disability living allowance” insert “, child disability payment”.

Amendment of regulation 75F (exception to the benefit cap: receipt of specified benefits)

5. In regulation 75F(1), after sub-paragraph (e), insert—

“(eza) the claimant, the claimant’s partner or a child or young person for whom the claimant or the claimant’s partner is responsible, is receiving child disability payment;”.

Amendment of Part 3 of Schedule 3 (applicable amounts: premiums)

6.—(1) Part 3 of Schedule 3 is amended as follows.

(2) In paragraph 7(2), after “the Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”.

(3) In paragraph 13(1)(a)(i), after “disability living allowance”, insert “, child disability payment”.

(4) In paragraph 14—

(a) in sub-paragraph (2)—

(i) in paragraph (a)(i), after “the Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”;

(ii) in paragraph (b)(i), after “the Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”;

(b) in sub-paragraph (4)(a), after “the Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”.

(5) In paragraph 15(1), after paragraph (b), insert—

“(ba) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations in respect of—

(i) the claimant; or

(ii) a member of the claimant’s family; or”.

(6) In paragraph 16, after sub-paragraph (a), insert—

“(aa) is in receipt of child disability payment; or”.

SCHEDULE 6

Article 13

Amendment of the Housing Benefit Regulations (Northern Ireland) 2006

Amendment of the Housing Benefit Regulations (Northern Ireland) 2006: general

1. The Housing Benefit Regulations (Northern Ireland) 2006 are amended as follows.

Amendment of regulation 2 (interpretation)

2. In regulation 2(1)—

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

““child disability payment” has the meaning given in regulation 2 of the DACYP Regulations;”;
- (b) in the definition of “child who cannot share a bedroom”, for paragraph (a) substitute—

“(a) who is entitled to—

 - (i) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act; or
 - (ii) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations; and”;
- (c) after the definition of “course of study”, insert—

““the DACYP Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”;
- (d) in the definition of “member of a couple who cannot share a bedroom”, after paragraph (a)(ii), insert—

“(iia) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;”;
- (e) in the definition of “person who requires overnight care”, in paragraph (a)—
 - (i) at the end of sub-paragraph (ii) substitute “;” for “,”
 - (ii) after sub-paragraph (ii), insert—

“(iiza) is in receipt of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;”;
 - (iii) in sub-paragraph (iii), after “(iia)” substitute “or” where it first occurs with “,” and insert “or (iiza)”.

Amendment of regulation 25 (treatment of child care charges)

3. In regulation 25—

- (a) in paragraph (11)(d), after head (viii), insert—

“(ix) child disability payment;”;
- (b) in paragraph (13), after sub-paragraph (a), insert—

“(aa) in respect of whom child disability payment is payable;”.

Amendment of regulation 72 (non-dependent deductions)

4. In regulation 72—

- (a) in paragraph (6)(b), after head (ii), omit the “or” and insert—

- “(iia) the care component of child disability payment, or”;
- (b) in paragraph (9)(a), after “disability living allowance” insert “, child disability payment”.

Amendment of regulation 73F (exception to the benefit cap: receipt of specified benefits)

5. In regulation 73F(1), after sub-paragraph (e), insert—

“(eza) the claimant, the claimant’s partner or a child or young person for whom the claimant or the claimant’s partner is responsible, is receiving child disability payment;”.

Amendment of Part III of Schedule 4 (applicable amounts: premiums)

6.—(1) Part III of Schedule 4 is amended as follows.

(2) In paragraph 7(2), after “the Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”.

(3) In paragraph 13(1)(a)(i), after “disability living allowance”, insert “, child disability payment”;

(4) In paragraph 14—

(a) in sub-paragraph (2)—

(i) in head (a)(i), after “the Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”;

(ii) in head (b)(i), after “the Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”;

(b) in sub-paragraph (4)(a), after “the Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”.

(5) In paragraph 15(1), after paragraph (b), insert—

“(ba) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations in respect of—

(i) the claimant; or

(ii) a member of the claimant’s family; or”.

(6) In paragraph 16, after sub-paragraph (a), insert—

“(aa) is in receipt of child disability payment; or”.

SCHEDULE 7

Article 14

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

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

1. The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 are amended as follows.

Amendment of regulation 2 (interpretation)

2. In regulation 2(1)—

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

““child disability payment” has the meaning given in regulation 2 of the DACYP Regulations;”;
- (b) in the definition of “child who cannot share a bedroom”, for paragraph (a) substitute—

“(a) who is entitled to—

 - (i) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act; or
 - (ii) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations; and”;
- (c) after the definition of “Crown tenant”, insert—

““the DACYP Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”;
- (d) in the definition of “member of a couple who cannot share a bedroom”, in paragraph (a), after sub-paragraph (ii), insert—

“(iia) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;”;
- (e) in the definition of “person who requires overnight care”, in paragraph (a)—
 - (i) after sub-paragraph (ii), insert—

“(iiza) is in receipt of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;”;
 - (ii) in sub-paragraph (iii), after “(iia)” insert “, (iiza)”.

Amendment of regulation 31 (treatment of child care charges)

3. In regulation 31(13), after sub-paragraph (a), insert—

“(aa) in respect of whom child disability payment is payable;”.

Amendment of regulation 55 (non-dependant deductions)

4. In regulation 55(10)(a), after “disability living allowance” insert “, child disability payment”.

Amendment of Part 3 of Schedule 3 (applicable amounts: premiums)

5.—(1) Part 3 of Schedule 3 is amended as follows.

(2) In paragraph 5(2)(b), after “the Act”, insert “or the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”.

(3) In paragraph 7(1), after paragraph (a), insert—

“(aa) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations in respect of a member of the claimant’s family; or”.

(4) In paragraph 8, after sub-paragraph (a), insert—

“(aa) is in receipt of child disability payment; or”.

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

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

1. The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 are amended as follows.

Amendment of regulation 2 (interpretation)

2. In regulation 2(1)—

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

““child disability payment” has the meaning given in regulation 2 of the DACYP Regulations;”;

(b) in the definition of “child who cannot share a bedroom”, for paragraph (a) substitute—

“(a) who is entitled to—

(i) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act; or

(ii) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations; and”;

(c) after the definition of “course of study”, insert—

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

(d) in the definition of “member of a couple who cannot share a bedroom”, in paragraph (a), after sub-paragraph (ii), insert—

“(iia) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;”;

(e) in the definition of “person who requires overnight care”, in paragraph (a)—

(i) after sub-paragraph (ii), insert—

“(iiza) is in receipt of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;”;

(ii) in sub-paragraph (iii), after “(ii)” insert “, (iiza)”.

Amendment of regulation 29 (treatment of childcare charges)

3. In regulation 29(13), after sub-paragraph (a), insert—

“(aa) in respect of whom child disability payment is payable;”.

Amendment of regulation 53 (non-dependant deductions)

4. In regulation 53(10)(a), after “disability living allowance” insert “, child disability payment”.

Amendment of Part III of Schedule 4 (applicable amounts: premiums)

5.—(1) Part III of Schedule 4 is amended as follows.

(2) In paragraph 5(2)(c), after “the Act”, insert “, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations”.

(3) In paragraph 7(1), after paragraph (a), insert—

“(aa) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations in respect of a member of the claimant’s family; or”.

(4) In paragraph 8, after sub-paragraph (a), insert—

“(aa) is in receipt of child disability payment;”.

Amendment of the Employment and Support Allowance Regulations 2008

Amendment of the Employment and Support Allowance Regulations 2008: general

1. The Employment and Support Allowance Regulations 2008 are amended as follows.

Amendment of regulation 2 (interpretation)

2. In regulation 2(1)—

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

““child disability payment” has the meaning given in regulation 2 of the DACYP Regulations;”;

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

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

Amendment of regulation 18 (circumstances in which the condition that the claimant is not receiving education does not apply)

3. In regulation 18, after “disability living allowance”, insert “, child disability payment”.

Amendment of regulation 158 (meaning of “person in hardship”)

4.—(1) Regulation 158 is amended as follows.

(2) In paragraph (3)—

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

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

(3) For paragraph (7), substitute—

“(7) In this regulation, “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 DACYP Regulations.”.

Amendment of Schedule 6 (housing costs)

5.—(1) Schedule 6 is amended as follows.

(2) In paragraph 15(11)(b), after “disability living allowance”, insert “, child disability payment”.

(3) In paragraph 19(6)(b), after sub-paragraph (ii), insert—

“(iia) the care component of child disability payment;”.

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

Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008: general

1. The Employment and Support Allowance Regulations (Northern Ireland) 2008 are amended as follows.

Amendment of regulation 2 (interpretation)

2. In regulation 2(1)—

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

““child disability payment” has the meaning given in the DACYP Regulations (see regulation 2 of those Regulations);”;

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

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

Amendment of regulation 18 (circumstances in which the condition that the claimant is not receiving education does not apply)

3. In regulation 18, after “disability living allowance”, insert “, child disability payment”.

Amendment of regulation 158 (meaning of “person in hardship”)

4.—(1) Regulation 158 is amended as follows.

(2) In paragraph (3)—

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

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

(3) For paragraph (7), substitute—

“(7) In this regulation, “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 DACYP Regulations.”.

Amendment of Schedule 6 (Housing Costs)

5.—(1) Schedule 6 is amended as follows.

(2) In paragraph 15(11)(b), after “disability living allowance”, insert “, child disability payment”.

(3) In paragraph 19(6)(b), after sub-paragraph (ii), insert —

“(iia) the care component of child disability payment;”.

Amendment of the Universal Credit Regulations 2013**Amendment of the Universal Credit Regulations 2013: general**

1. The Universal Credit Regulations 2013 are amended as follows.

Amendment of regulation 2 (interpretation)

2. In regulation 2—

(a) after the definition of “carer element”, insert—

““child disability payment” has the meaning given in regulation 2 of the DACYP Regulations;”;

(b) after the definition of “course of advanced education”, insert—

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

Amendment of regulation 14 (exceptions to the requirement not to be receiving education)

3. In regulation 14(1)(b), after “disability living allowance”, insert “, child disability payment”.

Amendment of regulation 24 (the child element)

4. In regulation 24(2)—

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

(b) in sub-paragraph (b)(i), after “highest rate”, insert “, the care component of child disability payment at the highest rate in accordance with regulation 11(5) of the DACYP Regulations”.

Amendment of regulation 41 (when an assessment may be carried out)

5. In regulation 41(2)(a), after “disability living allowance”, insert “, child disability payment”.

Amendment of regulation 83 (exceptions – entitlement or receipt of certain benefits)

6. In regulation 83(1), after paragraph (h), insert—

“(ha) a claimant, or a child or qualifying young person for whom a claimant is responsible, is receiving child disability payment;”.

Amendment of Schedule 3 (claimant treated as occupying or not occupying accommodation)

7.—(1) Schedule 3 is amended as follows.

(2) In paragraph 5(3)(b), after sub-paragraph (i), insert—

“(ia) the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations.”.

Amendment of Schedule 4 (housing costs element for renters)

8.—(1) Schedule 4 is amended as follows.

- (2) In paragraph 12—
- (a) in sub-paragraph (3)(a), after sub-paragraph (i), insert—
 - “(ia) the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations;”;
 - (b) in sub-paragraph (6), after paragraph (a), insert—
 - “(aa) in receipt of the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations;”;
 - (c) in sub-paragraph (6A)(a), after sub-paragraph (i), insert—
 - “(ia) the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations;”.
- (3) In paragraph 15(2), after paragraph (b), insert—
 - “(ba) a person in receipt of the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations;”.
- (4) In paragraph 29(5), after paragraph (a), insert—
 - “(aa) the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations;”.

SCHEDULE 12

Article 24

Amendment of the Universal Credit Regulations (Northern Ireland) 2016

Amendment of the Universal Credit Regulations (Northern Ireland) 2016: general

1. The Universal Credit Regulations (Northern Ireland) 2016 are amended as follows.

Amendment of regulation 2 (interpretation)

2. In regulation 2—

- (a) after the definition of “carer element”, insert—
““child disability payment” has the meaning given in the DACYP Regulations (see regulation 2 of those Regulations);”;
- (b) after the definition of “course of advanced education”, insert—
““the DACYP Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021;”.

Amendment of regulation 14 (exemption to the requirement not to be receiving education)

3. In regulation 14(1)(b), after “disability living allowance”, insert “, child disability payment”.

Amendment of regulation 25 (the child element)

4. In regulation 25(2)—

- (a) in sub-paragraph (a), after “disability living allowance”, insert “, child disability payment”;
- (b) in sub-paragraph (b)(i), after “highest rate”, insert “, the care component of child disability payment at the highest rate in accordance with regulation 11(5) of the DACYP Regulations”.

Amendment of regulation 42 (when an assessment may be carried out)

5. In regulation 42(2)(a), after “disability living allowance”, insert “, child disability payment”.

Amendment of regulation 83 (exceptions – entitlement or receipt of certain benefits)

6. In regulation 83(1), after paragraph (i), insert—

- “(ia) a claimant, or a child or qualifying young person for whom a claimant is responsible, is receiving child disability payment;”.

Amendment of Schedule 3 (claimant treated as occupying or not occupying accommodation)

7.—(1) Schedule 3 is amended as follows.

(2) In paragraph 4(3)(b), after sub-head (i), insert—

- “(ia) the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations;”.

Amendment of Schedule 4 (housing costs element for renters)

8.—(1) Schedule 4 is amended as follows.

- (2) In paragraph 11—
- (a) in sub-paragraph (3)(a), after sub-head (i), insert—
 - “(ia) the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations;”.
 - (b) in sub-paragraph (6), after head (a), insert—
 - “(aa) in receipt of the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations;”.
 - (c) in sub-paragraph (6A)(a), after sub-head (i), insert—
 - “(ia) the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations;”.
- (3) In paragraph 14(2), after head (b), insert—
 - “(ba) in receipt of the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations;”.
- (4) In paragraph 28(4), after head (a), insert—
 - “(aa) the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations;”.

EXPLANATORY NOTE

(This note is not part of the Order)

The Disability Assistance for Children and Young People (Scotland) Regulations 2021 (S.S.I. 2021/174) made under section 31 of the Social Security (Scotland) Act 2018 (asp 9) introduce arrangements for the payment of disability assistance for children and young people in the form of a “child disability payment”. The child disability payment replaces the disability living allowance for children residing in Scotland.

This Order makes consequential amendments to social security legislation in England and Wales, Scotland and Northern Ireland governing entitlement to certain benefits. Child disability payment is only available to children and young people residing in Scotland. However, the Scottish Government will continue to make payment of child disability payment to any child or young person who relocates from Scotland to another part of the United Kingdom for a period of 13 weeks, from the date of the move, to allow for an application for disability living allowance to be processed.

A full Impact Assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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