
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018

PART 2

Interpretation

Expressions about time and timing

When an application is to be treated as made

4.—(1) An application is to be treated as made—

- (a) on the day it is received by the Scottish Ministers; or
- (b) if applicable, on—
 - (i) the day chosen by the Scottish Ministers in accordance with paragraph (3); or
 - (ii) the day the applicant nominates (or is deemed to have nominated) under regulation 5.

(2) In a case where a determination is to be, or has been, made without an application (see Part 2 of schedule 1) references in these Regulations to the day the application is made are to be read as references to the day the determination is made.

(3) If, before making a determination on the basis of an application, the Scottish Ministers consider that the applicant—

- (a) would not be eligible for the assistance applied for if the application were treated as made on the day they received it; and
- (b) would be eligible for the assistance if the application were treated as made on a day falling within the period of 10 days beginning with the day they received it,

the Scottish Ministers may choose the day within that 10 day period on which the application is to be treated as made.

(4) For the avoidance of doubt, a thing that purports to be an application is not an application unless it is—

- (a) made in the form; and
- (b) accompanied by the evidence,

required under section 38 of the Social Security (Scotland) Act 2018.

Late application: nomination of date

5.—(1) An applicant may nominate the date on which an application will be treated as made by virtue of regulation 4(1)(b)(ii) if—

- (a) the award of universal credit or assistance of a kind specified in regulation 11 that the applicant is relying on to meet the relevant eligibility condition is a backdated award;

- (b) the backdated award is an award of assistance for—
 - (i) a day that falls within the application window; or
 - (ii) a period that includes at least 1 day that falls within the application window; and
 - (c) the application is received by the Scottish Ministers—
 - (i) not more than 20 working days after the last day of the application window; and
 - (ii) within 3 months of the applicant being informed of the backdated award by or on behalf of the public authority who made it.
- (2) If the backdated award is for—
- (a) 1 day only; or
 - (b) a period and only 1 day of it falls within the application window,
- the applicant may only nominate that day under this regulation.
- (3) If—
- (a) the backdated award is for a period; and
 - (b) more than 1 day of the period falls within the application window,
- the applicant may nominate any of those days under this regulation.
- (4) If the applicant is entitled to nominate a day under this regulation but has not done so, the applicant is to be deemed to have nominated—
- (a) the only day the applicant could have nominated in accordance with paragraph (2); or
 - (b) the latest day the applicant could have nominated in accordance with paragraph (3).
- (5) In this regulation—
- “application window” means—
- (a) in relation to an application for a pregnancy and baby grant, the period that—
 - (i) begins on the day the child in question is born; and
 - (ii) ends with the deadline set by paragraph 2 of schedule 2;
- “backdated award” means an award of assistance for a day, or a period that begins on a day, that falls before the day the decision to make the award was taken;
- “the relevant eligibility condition” means—
- (a) in relation to an application for a pregnancy and baby grant, the eligibility condition in paragraph 1(e) of schedule 2;
- “working day” means a day other than—
- (a) a Saturday;
 - (b) a Sunday; or
 - (c) a bank holiday in Scotland under the Banking and Financial Dealings Act 1971(1).

Meaning of “birthday”, for children born on 29th February

6. In a non-leap year, the birthday of a child born on 29th February is to be taken to be 28th February.

(1) 1971 c.80. Schedule 1, paragraph 2 sets out the Scottish bank holidays; it is amended by the St Andrew’s Day Bank Holiday (Scotland) Act 2007 (asp 2), section 1.

Calculations involving months

7.—(1) Where a day (“day 1”) is described as falling a specified number of months before or after another day (“day 2”), the date of day 1 is to be determined as follows.

(2) Count backwards or forwards (as the case may be) the specified number of months from the month in which day 2 falls.

(3) If the month arrived at in accordance with paragraph (2) has a day corresponding to day 2, day 1 is that day of the month arrived at.

(4) If the month arrived at in accordance with paragraph (2) has too few days to have a day corresponding to day 2, day 1 is the last day of the month arrived at(2).

(2) For example, if a child is born on 31st August, the day falling 6 months after the day the child is born is 28th February (or 29th February in a leap year).