

SCHEDULE 1

Procedural matters

PART 2

Determination without application

Determination following application in connection with another child

3.—(1) The Scottish Ministers are to make a determination of an individual’s entitlement to early years assistance in connection with a child (without receiving an application) in the circumstance described in sub-paragraph (2).

(2) The circumstance referred to in sub-paragraph (1) is that—

- (a) the individual has applied for early years assistance in respect of a child; and
- (b) it appears to the Scottish Ministers from the available information that, unless circumstances change, the individual will become eligible for early years assistance in respect of another child within the period—
 - (i) beginning on the day the application is made; and
 - (ii) ending at the end of the day that falls 10 days later.

(3) The determination that sub-paragraph (1) requires to be made is to be made on, or as soon as reasonably practicable after, the day that the Scottish Ministers anticipate will be the day on which the individual first becomes eligible for early years assistance in respect of the child as mentioned in sub-paragraph (2)(b).

(4) The determination that sub-paragraph (1) requires to be made is to be made (subject to sub-paragraph (5)) on the basis that whatever can be discerned from the available information to have been the case on the day the application mentioned in sub-paragraph (2)(a) was made remains the case on the day the determination is made.

(5) A determination is not to be made on the basis of the assumption set out in sub-paragraph (4) if, and to the extent that, the Scottish Ministers have information suggesting the assumption is unsound.

(6) In this paragraph, “the available information” means—

- (a) the information provided in the application referred to in sub-paragraph (2)(a); and
- (b) any other information obtained by the Scottish Ministers in connection with that application.