

Draft Order laid before the Scottish Parliament under section 99(2) of the Children and Young People (Scotland) Act 2014, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

EDUCATION

**The Provision of Early Learning and Childcare
(Specified Children) (Scotland) Amendment Order 2023**

Made - - - - 2023
Coming into force - - 1st April 2023

The Scottish Ministers make the following Order in exercise of the power conferred by section 47(2) (c)(ii) of the Children and Young People (Scotland) Act 2014(1), and all other powers enabling them to do so.

In accordance with section 99(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2023 and comes into force on 1 April 2023.

Amendment of the Provision of Early Learning and Childcare (Specified Children) (Scotland) Order 2014

2. In article 1(2) of the Provision of Early Learning and Childcare (Specified Children) (Scotland) Order 2014(2) (citation, commencement, interpretation and application), in the definition of “qualifying benefit”—

- (a) for “£7,920” substitute “£8,717”,
- (b) on each occasion where it appears, for “£660” substitute “£726”.

(1) 2014 asp 8.

(2) S.S.I. 2014/196, relevantly amended by S.S.I. 2015/268, S.S.I. 2017/182, S.S.I. 2019/359, S.S.I. 2021/344 and S.S.I. 2022/118.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:
The Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2023 No. 112

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Provision of Early Learning and Childcare (Specified Children) (Scotland) Order 2014 ([S.S.I. 2014/196](#)) (“the 2014 Order”). The 2014 Order specifies those children who are eligible pre-school children for the purposes of section 47(2)(c)(ii) of the Children and Young People (Scotland) Act 2014 ([asp 8](#)) and who are therefore entitled to the mandatory amount of early learning and childcare (as defined in section 48 of that Act).

The 2014 Order specifies that certain children whose parents are in receipt of “qualifying benefits” are eligible pre-school children. This Order amends the definition of qualifying benefits in article 1(2) of the 2014 Order to increase the income thresholds for those in receipt of certain benefits. The income threshold for those in receipt of child tax credit and working tax credit under Part 1 of the Tax Credits Act 2002 ([c. 21](#)) is increased to £8,717. The income threshold for those in receipt of universal credit under the Welfare Reform Act 2012 ([c. 5](#)) is increased to £726.