
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 326

SOCIAL SECURITY

The Scottish Child Payment (Ancillary Provision) Regulations 2022

<i>Made</i>	- - - -	<i>at 11.00 a.m. on 8th</i>
		<i>November 2022</i>
<i>Laid before the Scottish</i>		<i>at 2.00 p.m. on 8th</i>
<i>Parliament</i>	- - - -	<i>November 2022</i>
<i>Coming into force</i>	- -	<i>14th November 2022</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 95 of the Social Security (Scotland) Act 2018(1) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Scottish Child Payment (Ancillary Provision) Regulations 2022 and come into force on 14 November 2022.

(2) In these Regulations—

“the 2020 Regulations” means the Scottish Child Payment Regulations 2020(2),

“Scottish child payment” means Scottish child payment assistance given in accordance with the 2020 Regulations.

Consequential provision: ongoing entitlement until the child attains the age of 16 years

2. In regulation 19(2)(b) of the 2020 Regulations (ongoing entitlement), for “6” substitute “16”.

Saving provision: period for a determination following cessation of award

3.—(1) The amendments made by regulation 4(8)(b) of the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022(3) do not apply in respect of a relevant determination.

(2) For the purposes of paragraph (1), “a relevant determination” means a determination—

(1) 2018 asp 9.

(2) S.S.I. 2020/351, last amended by S.S.I. 2022/XXX.

(3) S.S.I. 2022/XXX.

- (a) described in paragraph 12(3) of the schedule of the 2020 Regulations (determination following cessation of award of a Scottish child payment),
- (b) made by the Scottish Ministers before 14 November 2022.

Transitional provision: determination to extend existing award of Scottish child payment

4.—(1) The Scottish Ministers are to make a determination of an individual’s entitlement to a Scottish child payment where paragraph (2) applies.

(2) On 14 November 2022, the individual has an ongoing entitlement to a Scottish child payment in accordance with regulation 19(1) of the 2020 Regulations (ongoing entitlement) by virtue of a determination that was made by the Scottish Ministers before that date.

(3) Subject to paragraph (4), a determination under paragraph (1) must be made—

- (a) on the assumption that the individual continues to meet the eligibility criteria set out in regulation 18 of the 2020 Regulations (eligibility for a Scottish child payment) on the date on which the determination is made, and
- (b) on the basis that the individual has an ongoing entitlement to a Scottish child payment on the basis described in regulation 19(2) of the 2020 Regulations⁽⁴⁾.

(4) Where a determination is to be, or has been, made under this regulation—

- (a) the individual’s entitlement begins on 14 November 2022,
- (b) regulation 18A⁽⁵⁾ of the 2020 Regulations (beginning of entitlement to assistance) does not apply, and
- (c) the determination is to be treated for the purposes of the 2020 Regulations as a determination made by the Scottish Ministers under paragraph 3 of the schedule of those Regulations (duty to make a determination of entitlement).

St Andrew’s House,
Edinburgh
At 11.00 a.m. on 8th November 2022

BEN MACPHERSON
Authorised to sign by the Scottish Ministers

(4) Regulation 19(2) is amended by regulation 2 of these Regulations.
(5) Regulation 18A is inserted by regulation 4(5) of S.S.I. 2022/XXX.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make ancillary provision in connection with the amendments made by the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (“the principal Regulations”) to the Scottish Child Payment Regulations 2020 (“the 2020 Regulations”). These Regulations come into force on 14 November 2022, on the same date as the principal Regulations.

Regulation 2 amends regulation 19 (ongoing entitlement) of the 2020 Regulations in consequence of the provision made by regulation 4(4) of the principal Regulations.

Regulation 3 makes saving provision so that in certain circumstances paragraph 12 of the schedule of the 2020 Regulations continues to have effect on and after 14 November as it applied immediately before that date.

Regulation 4 makes transitional provision so that Scottish Ministers must make a determination of an individual’s entitlement where, on 14 November 2022, the individual has ongoing entitlement in accordance with regulation 19(1) of the 2020 Regulations until the age of 6. The determination is to be made on the assumption that the individual continues to be entitled to Scottish Child Payment and has an ongoing entitlement until age 16 on the basis described by regulation 19(2) of the 2020 Regulations, as amended by these Regulations.