
Status: This is the original version (as it was originally enacted).

SCHEDULE 6

(introduced by section 32)

EARLY YEARS ASSISTANCE REGULATIONS

PART 1

ELIGIBILITY

CHAPTER 1

ELIGIBILITY IS TO DEPEND ON HAVING, OR EXPECTING TO HAVE, RESPONSIBILITY FOR A CHILD

- 1 (1) The regulations must be framed so that an individual's eligibility depends on the individual satisfying one of the primary eligibility criteria.
- (2) The primary eligibility criteria are that the individual—
 - (a) is, or has been, more than a specified number of weeks pregnant,
 - (b) has a relationship of a specified kind to another individual who is, or has been, more than a specified number of weeks pregnant,
 - (c) is to, or has, become responsible for a child within a specified period of the child's birth,
 - (d) is responsible for a child when a specified event in the child's life occurs or has become responsible for the child within a specified period of the event.
- (3) The regulations are to define what being responsible for a child means for the purpose of determining entitlement to early years assistance.

CHAPTER 2

FURTHER CRITERIA

Limit to number of people entitled

- 2 The regulations may provide that an individual is not eligible, despite satisfying one of the primary eligibility criteria, on account of one of those criteria being satisfied in respect of the same child by someone else.

Residence and presence

- 3 The regulations may make an individual's eligibility depend on the individual being resident and present in a particular place.

Financial circumstances

- 4 The regulations may make an individual's eligibility depend on the individual's financial circumstances.

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Receipt of, or eligibility for, other types of State assistance

- 5 The regulations may make an individual’s eligibility depend on the individual—
- (a) being, or not being, in receipt of another type of assistance (whether under this Act or another enactment),
 - (b) being, or not being, eligible or entitled to receive such assistance.

Application within specified period

- 6 The regulations may provide that an individual ceases to be eligible on account of satisfying a primary eligibility criteria unless, by a deadline specified in the regulations—
- (a) the individual has applied for early years assistance, or
 - (b) the Scottish Ministers have become required to make a determination of the individual’s entitlement to early years assistance by regulations under section 52.

PART 2

ASSISTANCE TO BE GIVEN

Restriction on giving assistance in a form other than money

- 7 (1) The regulations may allow early years assistance to be given to an individual in a form other than money only if the individual (or a person acting on the individual’s behalf) has agreed to the assistance being given in that form.
- (2) If the regulations include provision of the kind mentioned in sub-paragraph (1), they must allow an individual (or a person acting on the individual’s behalf) to withdraw agreement to being given early years assistance in a form other than money at any time.

PART 3

FINAL PROVISIONS

Generality of enabling power unaffected

- 8 Nothing in this schedule, apart from the following provisions, is to be taken to limit what may be prescribed in the regulations—
- (a) Chapter 1 of Part 1,
 - (b) Part 2.

Interpretation

- 9 In this schedule—
- “eligibility” means eligibility for early years assistance and “eligible” means eligible for early years assistance,
 - “the regulations” means regulations under section 32(2),
 - “specified” means specified in the regulations.