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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2014 No.**

**The Provision of Early Learning and Childcare  
(Specified Children) (Scotland) Order 2014**

**Citation, commencement, interpretation and application**

1.—(1) This Order may be cited as the Provision of Early Learning and Childcare (Specified Children) (Scotland) Order 2014 and shall come into force on 1st August 2014.

(2) In this Order—

“parent” has the meaning given in section 135(1) of the 1980 Act<sup>(1)</sup>;

“qualifying benefit” means—

- (a) income support under the Social Security Contributions and Benefits Act 1992<sup>(2)</sup>;
- (b) an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995<sup>(3)</sup>);
- (c) income-related employment and support allowance under Part 1 of the Welfare Reform Act 2007<sup>(4)</sup>;
- (d) incapacity benefit under Part II of the Social Security Contributions and Benefits Act 1992<sup>(5)</sup>;
- (e) severe disablement allowance under the Social Security Contributions and Benefits Act 1992<sup>(6)</sup>;
- (f) state pension credit payable under the State Pension Credit Act 2002<sup>(7)</sup>;

“school year” means a period of 12 months commencing on 1st August of any year;

“specified description” means specified description for the purposes of section 47(2)(c)(ii) of the 2014 Act (power to specify a description of children under school age and who have not commenced attendance at primary school (other than at a nursery class in such a school) who are entitled to be provided with early learning and childcare);

“starting point for 3 year olds”, in relation to a child, means—

- (a) where a child’s third birthday falls in the period beginning 1st March and ending on 31st August, the first day of the autumn term occurring in that year;

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(1) 1980 c.44; the definition of “parent” was amended by the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 28(5)(a).  
(2) 1992 c.4; section 124 (which provides for income support) was amended by the Jobseekers Act 1995 (c.18), section 41 and Schedules 2 and 3 and by the Welfare Reform and Pensions Act 1999 (c.30), section 70 and Schedule 8, Part IV, paragraph 28.  
(3) 1995 c.18.  
(4) 2007 c.5; income-related employment and support allowance is defined in section 1 of the Welfare Reform Act 2007.  
(5) 1992 c.4; sections 30A to E (which deal with incapacity benefit) were inserted into the Social Security Contributions and Benefits Act 1992 by the Social Security (Incapacity for Work) Act 1994 (c.18).  
(6) 1992 c.4; severe disablement allowance under section 68 of the Social Security Contributions and Benefits Act 1992 (SSCBA). It was abolished for new claims in April 2001 by virtue of the repeal of sections 68 and 69 of the SSCBA, effected by section 65 of the Welfare Reform and Pensions Act 1999 (c.30) (WRPA 1999). Article 4(a) of the WRPA 1999 (Commencement No. 9, and Transitional and Savings Provisions) Order 2000 (S.I. 2000/2958) provided for entitlement to severe disablement allowance to remain in place for persons aged over 20 on 6th April 2001 on any day of incapacity for work in that period of incapacity for work. Under regulation 19 of the Social Security (Incapacity Benefit) Regulations 1994 (S.I. 1994/2946), severe disablement allowance claimants who were below the age of 20 years on 6th April 2001 were transferred to long-term incapacity benefit from 6th April 2002. No claim was required. Older claimants remained on severe disablement allowance.  
(7) 2002 c.16.

- (b) where a child’s third birthday falls in the period beginning 1st September and ending on 31st December, the first day of the spring term immediately following that birthday; and
- (c) where a child’s third birthday falls in the period beginning 1st January and ending on the last day of February, the first day of the summer term immediately following that birthday;

“starting point for 2 year olds”, in relation to a child, means—

- (a) where a child’s second birthday falls in the period beginning 1st March and ending on 31st August, the first day of the autumn term occurring in that year;
- (b) where a child’s second birthday falls in the period beginning 1st September and ending on 31st December, the first day of the spring term immediately following that birthday; and
- (c) where a child’s second birthday falls in the period beginning 1st January and ending on the last day of February, the first day of the summer term immediately following that birthday;

“the 2014 Act” means the Children and Young People (Scotland) Act 2014.

(3) For the purposes of this Order the terms of a school year shall be taken to commence during the following periods—

- as respects the autumn term, the period beginning 1st August and ending on 31st December;
- as respects the spring term, the period beginning 1st January and ending on the last day of February; and
- as respects the summer term, the period beginning 1st March and ending on 31st July.

(4) Article 2(2) and (3) of this Order apply to a child where their second birthday falls on or after 1st March 2014.