
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about early years assistance, a type of assistance that is given by the Scottish Ministers under Part 2 of the Social Security (Scotland) Act 2018.

In particular, they amend the eligibility rules for the pregnancy and baby grant (which is a form of early years assistance). Those eligibility rules are set out in the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018 (“the principal Regulations”).

Regulation 5 adjusts the definition of “application window” in the principal Regulations so that an application can be made from the 24th week of a pregnancy.

Regulation 6 amends the definition of “dependant” in the principal Regulations so that it includes dependants recognised in an award of state pension credit and people in kinship care arrangements.

Regulation 7 provides for how the period allowed for a re-determination is to be calculated where the request for a re-determination is made late and the individual is found to have a good reason for not making the request sooner.

Regulation 8 amends the principal Regulations to provide further circumstances in which a determination is to be made without an application. Regulation 4 makes a consequential amendment to the method of calculating the date of an application.

Regulation 9(2) clarifies that if an individual has already been given, or is due to be given, a sure start maternity grant in respect of a baby, the individual is not also eligible for a pregnancy and baby grant in respect of that baby. Sure start maternity grant is defined for this purpose by paragraph 10 of schedule 2 of the principal Regulations. The sure start maternity grant is the equivalent in England, Wales and Northern Ireland to the pregnancy and baby grant in Scotland.

Regulation 9(3) and (4) makes provision to restrict multiple payments where there is a change in responsibility for a child within a family unit and regulation 9(5) amends a residence rule so that habitual residence in the United Kingdom will be treated in the same way as habitual residence in the European Economic Area (EEA) or Switzerland, should the United Kingdom cease to be a member of the EEA.

A Business and Regulatory Impact Assessment was prepared in respect of the principal Regulations. These Regulations do not alter the outcome of that assessment. Accordingly, no further assessment is required.