
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

SOCIAL SECURITY

The Scottish Child Payment Regulations 2020

Made - - - - 2020

Coming into force in accordance with regulation 2

THE SCOTTISH CHILD PAYMENT REGULATIONS 2020

PART 1

Introduction

1. Citation
2. Commencement
3. Overview

PART 2

Interpretation

General

4. References to the 2018 Act

Expressions about time and timing

5. When an application is to be treated as made
6. Meaning of “working day”
7. Calculation of the age of a child born on 29 February
8. Meaning of “week”

Expressions about inter-personal relationships

9. Meaning of being responsible for a child
10. Meaning of “partner”
11. Meaning of “kinship carer”
12. Meaning of “dependant”

Expressions about social security assistance

13. Meaning of determination of entitlement to a Scottish child payment
14. Meaning of references to specified kinds of assistance

15. Meaning of references to assistance being awarded
16. Meaning of “assessment period” in relation to universal credit

PART 3

Eligibility and assistance to be given

17. Duty to give assistance
18. Eligibility for a Scottish child payment
19. Ongoing entitlement
20. Value and form of a Scottish child payment
21. Time of payment
22. Individual’s right to stop receiving assistance
23. Later determination supersedes earlier

PART 4

Transitory provision

24. Definitions – initial period
 25. When an application is treated as made – initial period
 26. Time of payment – initial period
 27. Duty to notify – initial period
- Signature

SCHEDULE — Procedural matters

PART 1 — Applications and determination of applications

1. Requirement for applications
 2. Withdrawal of application
 3. Duty to make a determination of entitlement
 4. Notice of determination
 5. Multiple determinations involving the same child
- ### PART 2 — Determination without application
6. Determination following official error resulting in underpayment
 7. Determination following error resulting in overpayment
 8. Determination following backdated award of assistance
 9. (1) In making a determination required by paragraph 8 the...
 10. Determination following change of circumstances etc.
 11. Determination following award of a Scottish child payment in respect of another child
 12. Determination following cessation of award of a Scottish child payment
 13. Determination to effect a deduction decision
- ### PART 3 — Re-determination of entitlement
14. Right to request re-determination and periods allowed
 15. Late request for re-determination
 16. Duty to re-determine and period allowed
 17. Notice of re-determination
 18. Notice where re-determination not made timeously
- ### PART 4 — Appeals
19. Right to appeal to the First-tier Tribunal against determination
 20. Initiating an appeal
 21. Deadline for appealing
 22. First-tier Tribunal’s power to determine entitlement

23. Appeal to First-tier Tribunal against process decisions
24. Presumption for purposes of paragraphs 4, 14, 15, 17, 18 and 20
PART 5 — Further provision about determining entitlement
25. Obtaining information to make determination
26. Duty to notify change of circumstances
27. Lifting of duty to notify change of circumstances
28. Right to support
PART 6 — Recovery of value of assistance
29. Liability for assistance given in error
30. Exclusion from liability
31. Consideration for debtor's circumstances
32. Exclusion of other rights of recovery
33. Liability where assistance given for period after death
PART 7 — Coronavirus – relaxation of deadlines
34. Re-determination and appeal deadlines
35. Timing of applications for Scottish child payment

Explanatory Note