
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

**The Social Security (Miscellaneous Amendment and
Transitional Provision) (Scotland) Regulations 2022**

Amendment of the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019

3.—(1) The Welfare Foods (Best Start Foods) (Scotland) Regulations 2019(1) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (general interpretation), omit—

- (a) the definition of “kinship carer”, and
- (b) the word “and” immediately following the definition.

(3) In regulation 4(1)(c) (meaning of being “responsible” for a child), after “section 54” insert “or section 54A”.

(4) After regulation 5 (meaning of “dependant”) insert—

“Meaning of “kinship carer”

5A.—(1) An individual is a kinship carer for a child on a day if—

- (a) the individual is—
 - (i) a person who is related to the child,
 - (ii) a person who is known to the child and with whom the child has a pre-existing relationship, or
 - (iii) a friend or acquaintance of a person related to the child, and
- (b) on that day, the child lives with the individual (exclusively or predominantly) under the terms of—
 - (i) a kinship care order as defined in section 72(1) of the Children and Young People (Scotland) Act 2014,
 - (ii) any other order under section 11(1) of the Children (Scotland) Act 1995(2) (“the 1995 Act”), or
 - (iii) an agreement between the individual, the individual’s partner or both of them and—
 - (aa) a local authority by which the child is looked after within the meaning of section 17(6) of the 1995 Act(3),
 - (bb) a local authority in England or Wales by which the child is looked after within the meaning of section 105(4) of the Children Act 1989(4) (“the 1989 Act”), or

(1) S.S.I. 2019/193, amended by S.S.I. 2019/232, S.S.I. 2020/6, S.S.I. 2020/399, S.S.I. 2021/221, S.S.I. 2021/320, S.S.I. 2022/108, S.S.I. 2022/129 and S.S.I. 2022/167.

(2) 1995 c. 36.

(3) Section 17(6) was amended by paragraph 9(4) of schedule 2 of the Adoption and Children (Scotland) Act 2007 (asp 4), paragraph 2(4) of schedule 5 of the Children’s Hearings (Scotland) Act 2011 (asp 1), and S.S.I. 2013/211.

(4) 1989 c. 41. Section 105(4) is substituted by S.I. 2016/413.

- (cc) an authority in Northern Ireland by which the child is looked after within the meaning of article 25 of the Children (Northern Ireland) Order 1995⁽⁵⁾ (“the 1995 Order”).
- (2) A person described in paragraph (1)(a) must not be—
- (a) the parent of the child within the meaning of section 15(1) of the 1995 Act,
 - (b) a foster carer within the meaning of regulation 2 of the Looked After Children (Scotland) Regulations 2009⁽⁶⁾,
 - (c) a local authority foster parent in England and Wales within the meaning of section 105(1) of the 1989 Act, or
 - (d) an authority foster parent in Northern Ireland within the meaning of article 27(3) of the 1995 Order.
- (3) In paragraph (1)(a) “related” means related either by blood, marriage or civil partnership.”.
- (5) In regulation 9(2)(ac) (residence requirement)—
- (a) at the end of head (i) omit “or”,
 - (b) at the end of head (ii) insert “or”,
 - (c) after head (ii) insert—
 - “(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act.”.
- (6) For regulation 10(1)(h) (kinds of assistance)⁽⁷⁾ substitute—
- “(h) universal credit, where—
- (i) the person is a single claimant of universal credit and has an earned income of £660 or less, or
 - (ii) the person is one of joint claimants of universal credit and the joint claimants have combined earned income of £660 or less,
- in the period specified in paragraph (2)”.

⁽⁵⁾ [S.I. 1995/755 \(N.I. 2\)](#). Article 25 is amended by the Children (Leaving Care) Act (Northern Ireland) 2002 (c. 11), section 2(1).
⁽⁶⁾ [S.S.I. 2009/210](#), to which there are amendments not relevant to these Regulations.
⁽⁷⁾ Regulation 10(1)(h) was amended by [S.S.I. 2022/129](#).