

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2023 No.**

**The Winter Heating Assistance (Low Income) (Scotland) Regulations 2023**

**Determination following error – overpayments**

7.—(1) The Scottish Ministers must make a determination of an individual’s entitlement to winter heating payment, without receiving an application, where—

- (a) they have previously made a determination of the individual’s entitlement to winter heating payment, and
- (b) they establish that, due to an error, that determination was incorrect resulting in the individual being given an award of winter heating payment to which the individual was not entitled.

(2) In this regulation, references to an “error” are to—

- (a) an error in the performance of a function conferred by these Regulations or the 2018 Act, including a determination being made—
  - (i) wrongly, or
  - (ii) correctly but on the basis of—
    - (aa) incorrect information, or
    - (bb) an assumption which proves to be wrong, or
- (b) a new determination not being made after an assumption on the basis of which an earlier determination was made has proved to be wrong.