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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 16**

**SOCIAL SECURITY**

**The Scottish Child Payment Amendment Regulations 2021**

*Made* - - - - - *14th January 2021*

*Coming into force* - - - *15th January 2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 79 of the Social Security (Scotland) Act 2018(1) and all other powers enabling them to do so. In accordance with section 96(2) of that Act, a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

In accordance with section 97(2) of that Act, the Scottish Ministers have informed the Scottish Commission on Social Security of their proposals, notified the Scottish Parliament that they have done so and made their proposals publicly available by such means as they consider appropriate.

**Citation and commencement**

1. These Regulations may be cited as the Scottish Child Payment Amendment Regulations 2021 and come into force on the day after the day on which they are made.

**Meaning of “the principal Regulations”**

2. In these Regulations, “the principal Regulations” means the Scottish Child Payment Regulations 2020(2).

**Amendment of regulation 15 of the principal Regulations**

3. For regulation 15 of the principal Regulations (meaning of references to assistance being awarded) substitute—

“15.—(1) An individual is not to be regarded as having been awarded a kind of assistance specified in regulation 14 for a day or a period if—

- (a) the award was made in error (whether or not induced by the individual), or
- (b) the sum awarded to the individual for the day or the period is £0.

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(1) 2018 asp 9.  
(2) S.S.I. 2020/351.

(2) In paragraph (1)(b), the reference to “the sum awarded” means, in a case where a deduction has been made—

- (a) in respect of any liability the individual has to another person, or
- (b) by way of a sanction,

the sum that would have been awarded had the deduction not been made.”.

#### **Amendment of regulation 21 of the principal Regulations**

4.—(1) Regulation 21 of the principal Regulations (time of payment) is amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1) for “paragraph (2)” substitute “paragraph (2) or, where paragraph (3) applies, paragraph (4)”.

(3) In the opening words of paragraph (2) for “Payments” substitute “Except where paragraph (3) applies, payments”.

(4) After paragraph (2), insert—

“(3) This paragraph applies where the payment is to be made pursuant to a determination made in accordance with paragraph 11 of the schedule (determination following award of a Scottish child payment in respect of another child).

(4) Where paragraph (3) applies, payments are to be made so that—

- (a) the first payment is made on the same day as the next Scottish child payment that is due to be made to the individual in respect of their ongoing entitlement to that payment in respect of another child (see paragraph 11(1)(a) of the schedule),
- (b) that first payment is made, in arrears, in respect of the period beginning with the day on which the application is made and ending with the day referred to in subparagraph (a), and
- (c) subsequent payments are made in respect of periods of 4 weeks, in arrears, in the last week of each successive period of 4 weeks in which the individual continues to be entitled to a Scottish child payment for at least one week by virtue of regulation 19.

(5) Where the period mentioned in paragraph (4)(b) includes a part-week, for the purpose only of that first payment the part-week is to be treated as a full week.”.

St Andrew’s House,  
Edinburgh  
14th January 2021

*SHIRLEY-ANNE SOMERVILLE*  
A member of the Scottish Government

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Scottish Child Payment Regulations 2020 (S.S.I. 2020/351) (“the principal Regulations”).

The principal Regulations make provision about a Scottish child payment, a type of assistance to be given by the Scottish Ministers under section 79 of the Social Security (Scotland) Act 2018. These Regulations amend regulations 15 and 21 of the principal Regulations.

Regulation 3 substitutes regulation 15 of the principal Regulations. The substituted regulation 15(1) provides that an award made in error or a nil award is not to be regarded as a kind of assistance specified in regulation 14 of the principal Regulations for the purposes of entitlement to a Scottish child payment. Substituted regulation 15(2) provides that any deduction from the sum awarded to an individual in respect of a liability or by way of a sanction is to be disregarded for the purposes of paragraph (1)(b). Where an individual has a nil award as a result of such a deduction, the individual is therefore to be regarded as having been awarded that kind of assistance for the purposes of regulation 18(f) of the principal Regulations.

Regulation 4 amends regulation 21 of the principal Regulations, to allow the first payment date of an award of a Scottish child payment in respect of a child to be aligned with the next payment date of any other award of a Scottish child payment that may be due to the individual in respect of another child.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.