
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018 (S.S.I. 2018/370) (“the Best Start Grants Regulations”) and the Scottish Child Payment Regulations 2020 (S.S.I. 2020/351) (“the Scottish Child Payment Regulations”).

The Best Start Grants 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 (“the 2018 Act”). These regulations amend schedules 1, 2, 3 and 4 of the Best Start Grants Regulations.

Regulation 2 inserts a provision that allows a hierarchy to be used to determine eligibility for early years assistance where there are competing claims. Determinations made in accordance with the hierarchy do not affect an individual’s right to request a re-determination under section 41 of the 2018 Act.

Regulations 3, 4 and 5 respectively widen the exceptions contained in schedules 2, 3 and 4 of the Best Start Grants Regulations that are relevant to each form of early years assistance. This allows for such exceptions to apply to any subsequent applicant who meets the child responsibility test provided in regulation 9(1) of the Best Start Grant Regulations, regardless of when they become responsible for the child.

The Scottish Child Payment 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 paragraph 5 of the schedule of the Scottish Child Payment Regulations.

Regulation 6 inserts a new provision, paragraph 5(6), after paragraph 5(5) of the schedule of the Scottish Child Payments Regulations. Where there are competing claims for the same child and the same period, and a) where the existing rules at paragraph 5(4)(a) to (d) are unable to determine which of the individuals is to be entitled to the payment, or b) where the circumstances described in the existing rules at paragraph 5(4)(a) are true and one of the individuals is a kinship carer, paragraph 5(6) enables the Scottish Ministers to determine the matter having regard to the circumstances of the child.