

SCHEDULE

Procedural matters

PART 2

Determination without application

Determination following backdated award of assistance

8.—(1) The Scottish Ministers are to make a determination of an individual’s entitlement to a Scottish child payment (without receiving an application) where the circumstances in sub-paragraphs (2) to (5) apply.

(2) A determination has previously been made that the individual is not entitled to the payment in connection with the child (“the original determination”).

(3) The Scottish Ministers establish that a backdated award of assistance of a kind specified in—

- (a) regulation 12(2)(a) is made in circumstances in which regulation 12(2)(b) applies, or
- (b) regulation 14 is made.

(4) The award referred to in sub-paragraph (3) (“the backdated award”) is backdated to a day, or a period that begins on a day, that falls no later than the day on which the original determination was made.

(5) Had the backdated award been made before the original determination, a determination that the individual is entitled to a Scottish child payment would have been made instead.

(6) For the purposes of this paragraph, an award is backdated if it relates to a day, or a period that begins on a day, that falls before the day the decision to make the award was taken.