

## EXPLANATORY NOTE

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

These Regulations amend the Scottish Child Payment Regulations 2020 (the 2020 Regulations) and the Disability Assistance for Children and Young People (Scotland) Regulations 2021 (the 2021 Regulations).

The 2020 Regulations provides for Scottish child payment to be made on the basis of ongoing entitlement. Regulation 2(2) inserts new paragraphs 19A to 19G in the schedule to make provision to suspend entitlement to Scottish child payment in specified circumstances and regulation 2(4) substitutes a new paragraph 25 (obtaining information to make determination).

Regulation 2(3) amends paragraph 16 of the schedule of the 2020 Regulations to clarify when the period for re-determination begins in a case where the First-tier Tribunal has decided that a request for re-determination has been validly made.

Regulation 3(2) inserts a definition of short-term assistance in regulation 2 of the 2021 Regulations. Regulation 3(3) amends regulation 5 of the 2021 Regulations to allow access to Child Disability Payment for certain individuals who would be excepted from restrictions on their access to disability benefits covered by section 115 of the Immigration and Asylum Act 1999 and to disapply the habitual residence condition from refugees and their dependants. Regulation 3(4) to (7) make minor amendments to the 2021 Regulations. Regulation 3(8) amends regulation 24 of the 2021 Regulations to remove reference to regulation 10 of the 2021 Regulations with the effect that an individual who is entitled to any of the benefits mentioned in that regulation cannot make an application for Child Disability Payment.

The 2021 Regulations provide for Child Disability Payment to be made on the basis of ongoing entitlement. Regulation 3(9) inserts new regulations 26A to 26F to make provision to suspend entitlement to Child Disability Payment in specified circumstances.

Regulation 3(10) makes a minor amendment to regulation 32 of the 2021 Regulations. Regulation 3(11) amends paragraph 1 of the schedule of the 2021 Regulations. Sub-paragraph (1B) is amended to provide that a determination without application is to be made by the Scottish Ministers only where the individual had previously been awarded short-term assistance. Sub-paragraph (1C) is inserted to place a duty on the Scottish Ministers to make a determination without application of an individual's short-term assistance where the First-tier Tribunal for Scotland set aside their own decision pursuant to a decision by the Scottish Ministers not to accept a request for a re-determination of the individual's entitlement to Child Disability Assistance.

A business and regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government Social Security Directorate and online at [www.legislation.gov.uk](http://www.legislation.gov.uk).