

SCHEDULE 1

Procedural matters

[^{F1}PART 3

Competing Claims

Textual Amendments

- F1** Sch. 1 Pt. 3 inserted (23.12.2021) by [The Best Start Grants and Scottish Child Payment \(Miscellaneous Amendments\) Regulations 2021 \(S.S.I. 2021/494\)](#), regs. 1(1), 2

Multiple applications in respect of the same child

6.—(1) Where two or more individuals have applied for early years assistance in respect of the same child, the Scottish Ministers are to make a determination of entitlement in accordance with sub-paragraphs (2) to (5).

(2) Where the Scottish Ministers decide that two or more individuals are eligible for early years assistance in respect of the child, they must apply the rules in sub-paragraphs (3) to (5) to determine which of the individuals is to be entitled to that assistance.

(3) The rules are that—

- (a) where only one individual has been awarded child tax credit, state pension credit or universal credit for the day, or assessment period that includes the day, in question (and the child is recognised to be a child for whom the individual has responsibility in terms of that award of assistance), unless the Scottish Ministers decide otherwise in pursuance of the rule in sub-paragraph (5), that individual is entitled to early years assistance,
- (b) where none of the individuals have been awarded assistance as described in sub-paragraph (3)(a), and only one individual has been awarded child benefit for the day in question (and the child is recognised to be a child for whom the individual has responsibility in terms of that award of assistance), that individual is entitled to early years assistance,
- (c) where the individuals are kinship carers for the child, and none of them have been awarded any kind of assistance as described in sub-paragraph (3)(a) or (3)(b), the individual whose determination is to be made first is entitled to early years assistance,
- (d) where one individual has been awarded child benefit for the day in question, and another individual is a kinship carer for the child, the individual who is the kinship carer for the child is entitled to early years assistance.

(4) For the purposes of sub-paragraph (3), the individual whose determination is to be made first is the individual whose application is to be treated as made first in accordance with regulation 4.

(5) Where—

- (a) having applied the rules in sub-paragraph (3) in accordance with sub-paragraph (2) it appears to the Scottish Ministers from information available to them that none of the circumstances described in rules (a) to (d) are true in the case of the individuals in question, or
- (b) the circumstances described in rule (a) of sub-paragraph (3) are true in the case of the individuals in question and one individual is a kinship carer for the child,

Status: Point in time view as at 23/12/2021.

Changes to legislation: There are currently no known outstanding effects for the The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018, Paragraph 6. (See end of Document for details)

the Scottish Ministers must determine which of the individuals is entitled to the early years assistance having regard to the circumstances of the child.]

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