

SCHEDULE 2

Pregnancy and baby grant

PART 1

Eligibility

Eligibility

1. An individual is eligible for a pregnancy and baby grant in respect of a child if—
 - (a) the individual's application for the grant is made before the deadline set by paragraph 2 (see regulation 4 in relation to when an application is to be treated as made);
 - [^{F1}(aa) the individual has not received, and is not due to receive, a sure start maternity grant in respect of the child,]
 - (b) no-one else has received, or is due to receive, a pregnancy and baby grant or sure start maternity grant in respect of the child (but see paragraph 3);
 - (c) on the day the application is made the individual satisfies the residence requirement set by paragraph 4;
 - (d) at least one of these statements is true on the day the application is made—
 - (i) the individual is the person who—
 - (aa) is, or has been, more than 24 weeks pregnant with the child; or
 - (bb) gave birth to the child before or during the 24th week of the pregnancy;
 - (ii) the individual is the partner of the person described by head (i);
 - (iii) the person described by head (i) is a dependant of the individual or the individual's partner (or both of them);
 - (iv) either the individual or the individual's partner is (or both of them are) responsible for the child on the day the application is made; [^{F2}and]
 - (e) at least one of these statements is true—
 - (i) the individual or the individual's partner has (or both of them have) been awarded, for the day the application is made (or for a period which includes that day), assistance of a kind specified in regulation 11;
 - (ii) the individual or the individual's partner has (or both of them have) been awarded universal credit for—
 - (aa) the assessment period that includes the day the application is made; or
 - (bb) the assessment period that ended immediately before the assessment period mentioned in sub-head (aa) started;
 - (iii) on the day the application is made the individual is under 18 years of age;
 - (iv) on the day the application is made the individual is—
 - (aa) 18 or 19 years of age; and
 - (bb) a dependant of another individual; ^{F3}...

^{F4}(f)

Changes to legislation: There are currently no known outstanding effects for the The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018, PART 1. (See end of Document for details)

Textual Amendments	
F1	Sch. 2 para. 1(aa) inserted (21.3.2019) by The Early Years Assistance (Best Start Grants) (Scotland) Amendment (No. 1) Regulations 2019 (S.S.I. 2019/110), regs. 2, 9(2)
F2	Word in sch. 2 para. 1(d)(iv) inserted (14.11.2022) by The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (S.S.I. 2022/336), regs. 1(1), 2(4)(a)(i)
F3	Word in sch. 2 para. 1(e)(iv)(bb) omitted (14.11.2022) by virtue of The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (S.S.I. 2022/336), regs. 1(1), 2(4)(a)(ii)
F4	Sch. 2 para. 1(f) omitted (14.11.2022) by virtue of The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (S.S.I. 2022/336), regs. 1(1), 2(4)(a)(iii)

Deadline for applying

2.—(1) The deadline for an individual to apply for a pregnancy and baby grant in respect of a child is—

- (a) the end of the day that falls 6 months after the day the child is born if sub-paragraph (2) applies to the individual;
- (b) the end of the day before the child's first birthday if sub-paragraph (2) does not apply to the individual.

(2) This sub-paragraph applies to—

- (a) the person who is, or has been, pregnant with the child; and
- (b) any individual who is, or has been during the period described by sub-paragraph (3)—
 - (i) the partner of the person referred to in paragraph (a); or
 - (ii) an individual, or the partner of an individual, for whom the person referred to in paragraph (a) is a dependant.

(3) The period referred to in sub-paragraph (2)(b)—

- (i) begins on the first day of the 24th week of the pregnancy that resulted, or is to result, in the child's birth; and
- (ii) ends at the end of the day that falls 6 months after the day the child is born.

Exception to paragraph 1(b)

3.—(1) For the purpose of determining the entitlement of the individual referred to in this paragraph as the applicant, the eligibility condition in paragraph 1(b) is to be ignored in the circumstance described by sub-paragraphs (2) to (5).

(2) An individual (“the first grant recipient”) has been, or is due to be, given in respect of the child—

- (a) a pregnancy and baby grant; or
- (b) a sure start maternity grant.

(3) Another individual (“the applicant”) [^{F5}is] responsible for the child [^{F6}.]

^{F7}(a)

^{F7}(b)

(4) [^{F8}Since the first grant recipient applied for a pregnancy and baby grant or a sure start maternity grant in respect of the child ^{F9}...] the applicant has not been—

- (a) the partner of the first grant recipient;
- (b) a dependant of the first grant recipient; or
- (c) an individual, or the partner of an individual, for whom the first grant recipient is a dependant.

[^{F10}(4A) On the day the applicant's application for a pregnancy and baby grant in respect of the child is made, the child does not normally live with the first grant recipient.]

(5) On the day the applicant's application for a pregnancy and baby grant in respect of the child is made, no-one other than the first grant recipient has been, or is due to be, given a pregnancy and baby grant or a sure start maternity grant in respect of that child.

Textual Amendments

- F5** Word in sch. 2 para. 3(3) substituted (23.12.2021) by [The Best Start Grants and Scottish Child Payment \(Miscellaneous Amendments\) Regulations 2021 \(S.S.I. 2021/494\)](#), regs. 1(1), **3(2)(a)**
- F6** Full stop in sch. 2 para. 3(3) substituted for word (23.12.2021) by [The Best Start Grants and Scottish Child Payment \(Miscellaneous Amendments\) Regulations 2021 \(S.S.I. 2021/494\)](#), regs. 1(1), **3(2)(b)**
- F7** Sch. 2 para. 3(3)(a)(b) omitted (23.12.2021) by virtue of [The Best Start Grants and Scottish Child Payment \(Miscellaneous Amendments\) Regulations 2021 \(S.S.I. 2021/494\)](#), regs. 1(1), **3(2)(c)**
- F8** Words in sch. 2 para. 3(4) substituted (21.3.2019) by [The Early Years Assistance \(Best Start Grants\) \(Scotland\) Amendment \(No. 1\) Regulations 2019 \(S.S.I. 2019/110\)](#), regs. 2, **9(3)**
- F9** Words in sch. 2 para. 3(4) omitted (23.12.2021) by virtue of [The Best Start Grants and Scottish Child Payment \(Miscellaneous Amendments\) Regulations 2021 \(S.S.I. 2021/494\)](#), regs. 1(1), **3(3)**
- F10** Sch. 2 para. 3(4A) inserted (21.3.2019) by [The Early Years Assistance \(Best Start Grants\) \(Scotland\) Amendment \(No. 1\) Regulations 2019 \(S.S.I. 2019/110\)](#), regs. 2, **9(4)**

Residence requirement

4.—(1) The residence requirement referred to in paragraph 1(c) is satisfied by an individual on a day if, on that day—

- (a) the individual is ordinarily resident in Scotland; and
- (b) in a case where neither the individual nor the individual's partner has been awarded assistance as mentioned in paragraph 1(e)(i) or (ii), the condition set by sub-paragraph (2) is also met.

(2) The condition referred to in sub-paragraph (1)(b) is met on any day that the individual is—

- (a) habitually resident in the [^{F11}United Kingdom, the Channel Islands [^{F12}or the Isle of Man];]

[^{F13}(aa) a person who, or has a partner who, is habitually resident in the European Economic Area or Switzerland and—

- (i) is a qualified person within the meaning of regulation 6(1)(a) (jobseeker), (b) (worker), (c) (self-employed person), (d) (self-sufficient person) or (e) (student) of the Immigration (European Economic Area) Regulations 2016 (the EEA Regulations);
- (ii) retains the status referred to in sub-head (i) pursuant to regulation 6(2) or (4) of the EEA Regulations;
- (iii) is a family member of a person referred to in sub-head (i) or (ii) within the meaning of regulation 7(1) of the EEA Regulations;
- (iv) has a right to reside permanently in the United Kingdom by virtue of regulation 15(1) of the EEA Regulations; or

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- (v) has been granted indefinite or limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act];
- [^{F14}(ab) a person who—
- (i) [^{F15}has] leave to enter or remain in the United Kingdom granted under the immigration rules made under section 3(2) of the Immigration Act 1971, by virtue of—
 - (ia) the Afghan Relocations and Assistance Policy, or
 - (ib) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme),
 - (ii) has been granted discretionary leave outside the immigration rules as a dependant of a person referred to in sub-head (i), or
 - (iii) has leave granted under the Afghan Citizens Resettlement Scheme];
- [^{F16}(ac) a person who was residing in Ukraine immediately before 1 January 2022, left Ukraine in connection with the Russian invasion which took place on 24 February 2022 and—
- (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971, ^{F17}...
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act [^{F18}, or]
 - [does not require leave to enter or remain in the United Kingdom in accordance with ^{F19}(iii) section 3ZA of that Act,]]
- [^{F20}(ad) a person who was residing in Sudan before 15 April 2023, left Sudan in connection with the violence which rapidly escalated on 15 April 2023 in Khartoum and across Sudan and—
- (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act]
- [^{F21}(ae) a person in Great Britain who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7 October 2023, left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon in connection with the Hamas terrorist attack in Israel on 7 October 2023 or the violence which rapidly escalated in the region following the attack and—
- (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,]
- (b) a refugee within the definition in Article 1 of the Convention relating to the status of refugees done at Geneva on 28th July 1951, as extended by article 1(2) of the Protocol relating to the status of refugees done at New York on 31st January 1967;
- (c) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971 ^{M1}, ^{F22}...

- (d) a person who has humanitarian protection granted under the rules made under section 3(2) of the Immigration Act 1971; or
- (e) a person who—
 - (i) is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 ^{M2}; and
 - (ii) is in the United Kingdom as a result of deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.

[^{F23}(3) In this paragraph, “the Afghan Citizens Resettlement Scheme” means the scheme announced by the United Kingdom Government on 18 August 2021.]

Textual Amendments

- F11** Words in sch. 2 para. 4(2)(a) inserted (21.3.2019) by The Early Years Assistance (Best Start Grants) (Scotland) Amendment (No. 1) Regulations 2019 (S.S.I. 2019/110), regs. 2, **9(5)**
- F12** Words in sch. 2 para. 4(2)(a) substituted (31.12.2020) by The Social Security Co-ordination (EU Exit) (Scotland) (Amendments etc.) Regulations 2020 (S.S.I. 2020/399), regs. 1, **3(2)(a)**
- F13** Sch. 2 para. 4(2)(aa) inserted (31.12.2020) by The Social Security Co-ordination (EU Exit) (Scotland) (Amendments etc.) Regulations 2020 (S.S.I. 2020/399), regs. 1, **3(2)(b)**
- F14** Sch. 2 para. 4(2)(ab) inserted (15.9.2021) by virtue of The Social Security (Residence Requirements) (Afghanistan) (Scotland) Regulations 2021 (S.S.I. 2021/320), regs. 1(1), **3(2)(a)**
- F15** Word in sch. 2 para. 4(2)(ab)(i) inserted (14.11.2022) by The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (S.S.I. 2022/336), regs. 1(1), **2(4)(b)(i)**
- F16** Sch. 2 para. 4(2)(ac) inserted (22.3.2022 at 5.40 p.m.) by The Social Security (Residence Requirements) (Ukraine) (Scotland) Regulations 2022 (S.S.I. 2022/108), regs. 1(1), **4(2)(a)**
- F17** Word in sch. 2 para. 4(2)(ac)(i) omitted (14.11.2022) by virtue of The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (S.S.I. 2022/336), regs. 1(1), **2(4)(b)(ii)**
- F18** Word in sch. 2 para. 4(2)(ac)(ii) substituted (14.11.2022) by The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (S.S.I. 2022/336), regs. 1(1), **2(4)(b)(iii)**
- F19** Sch. 2 para. 4(2)(ac)(iii) inserted (14.11.2022) by The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (S.S.I. 2022/336), regs. 1(1), **2(4)(b)(iv)**
- F20** Sch. 2 para. 4(2)(ad) inserted (17.5.2023 at 5.54 p.m.) by The Social Security (Residence Requirements) (Sudan) (Scotland) Regulations 2023 (S.S.I. 2023/149), regs. 1(1), **4(2)**
- F21** Sch. 2 para. 4(2)(ae) inserted (26.10.2023 at 5.38 p.m.) by The Social Security (Residence and Presence Requirements) (Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights and Lebanon) (Scotland) Regulations 2023 (S.S.I. 2023/309), regs. 1(2), **4(2)**
- F22** Words in sch. 2 para. 4(2)(c) omitted (22.3.2022 at 5.40 p.m.) by virtue of The Social Security (Residence Requirements) (Ukraine) (Scotland) Regulations 2022 (S.S.I. 2022/108), regs. 1(1), **4(2)(b)**
- F23** Sch. 2 para. 4(3) inserted (15.9.2021) by The Social Security (Residence Requirements) (Afghanistan) (Scotland) Regulations 2021 (S.S.I. 2021/320), regs. 1(1), **3(2)(b)**

Marginal Citations

- M1** 1971 c.77.
- M2** 1999 c.33.

Changes to legislation:

There are currently no known outstanding effects for the The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018, PART 1.