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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 351**

**The Scottish Child Payment Regulations 2020**

**PART 1**

Introduction

**Citation**

1. These Regulations may be cited as the Scottish Child Payment Regulations 2020.

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**Commencement Information**

- I1** Reg. 1 in force at 9.11.2020, see [reg. 2](#)

**Commencement**

2. These Regulations come into force on the first Monday after the day on which they are made.

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**Commencement Information**

- I2** Reg. 2 in force at 9.11.2020, see [reg. 2](#)

**Overview**

- 3.—(1) Part 2 makes provision about the interpretation of these Regulations.  
(2) Part 3 makes provision about eligibility and the assistance that is to be given to eligible individuals in connection with having responsibility for a child (referred to in these Regulations as a “Scottish child payment”).  
(3) Part 4 makes transitory provision.  
(4) The schedule makes provision about matters of procedure for applying for, and determining entitlement to, a Scottish child payment.

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**Commencement Information**

- I3** Reg. 3 in force at 9.11.2020, see [reg. 2](#)

## PART 2

### Interpretation

#### *General*

#### [<sup>F1</sup>Interpretation

4. In these Regulations—

“the 2018 Act” means the Social Security (Scotland) Act 2018 <sup>M1</sup>,

“child” means a person under the age of 16, and

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS CoV-2).]

#### Textual Amendments

**F1** Reg. 4 substituted (14.11.2022) by The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (S.S.I. 2022/336), regs. 1(1), 4(2) (with reg. 5)

#### Marginal Citations

**M1** 2018 asp 9.

#### *Expressions about time and timing*

#### When an application is to be treated as made

5. A reference to the day on which an application is made means the day on which an application is received by the Scottish Ministers or, as the context may require, the day on which the application is treated as having been made by virtue of regulation 25 or the schedule.

#### Commencement Information

**I4** Reg. 5 in force at 9.11.2020, see [reg. 2](#)

#### Meaning of “working day”

6. A “working day” means a day other than—

(a) a Saturday,

(b) a Sunday, or

(c) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971 <sup>M2</sup>.

#### Commencement Information

**I5** Reg. 6 in force at 9.11.2020, see [reg. 2](#)

#### **Marginal Citations**

**M2** 1971 c.80. Schedule 1, paragraph 2 sets out the Scottish bank holidays, it is amended by the [St Andrew's Day Bank Holiday \(Scotland\) Act 2007 \(asp 2\)](#), [section 1](#).

#### **Calculation of the age of a child born on 29 February**

7. When calculating the age of a child born on 29 February for the purposes of these Regulations, in a non-leap year the birthday of the child is to be taken to be 28 February.

#### **Commencement Information**

**I6** Reg. 7 in force at 9.11.2020, see [reg. 2](#)

#### **Meaning of “week”**

8. A “week” means a period of 7 days.

#### **Commencement Information**

**I7** Reg. 8 in force at 9.11.2020, see [reg. 2](#)

#### *Expressions about inter-personal relationships*

#### **Meaning of being responsible for a child**

9. An individual is to be regarded as responsible for a child on a day only if at least one or more of the following statements is true—

- (a) the child is a dependant of the individual on that day,
- (b) the child is a dependant of the individual's partner on that day.

#### **Commencement Information**

**I8** Reg. 9 in force at 9.11.2020, see [reg. 2](#)

#### **Meaning of “partner”**

10. A person (“A”) is the partner of another person (“B”) on a day only if, on that day, A and B would be regarded as a couple for the purposes of Part 1 of the Welfare Reform Act 2012<sup>M3</sup> (see section 39 of that Act<sup>M4</sup>).

#### **Commencement Information**

**I9** Reg. 10 in force at 9.11.2020, see [reg. 2](#)

#### **Marginal Citations**

**M3** 2012 c.5.

**M4** [Section 39](#) is amended by [S.I. 2014/3229](#) and [S.I. 2019/1458](#).

## Meaning of “kinship carer”

- [<sup>F2</sup>11.—(1) An individual is a kinship carer for a child on a day if—
- (a) the individual is—
    - (i) a person who is related to the child,
    - (ii) a person who is known to the child and with whom the child has a pre-existing relationship, or
    - (iii) a friend or acquaintance of a person related to the child, and
  - (b) on that day, the child lives with the individual (exclusively or predominantly) under the terms of—
    - (i) a kinship care order as defined in section 72(1) of the Children and Young People (Scotland) Act 2014,
    - (ii) any other order under section 11(1) of the Children (Scotland) Act 1995 (“the 1995 Act”)<sup>M5</sup>, or
    - (iii) an agreement between the individual, the individual’s partner or both of them and—
      - (aa) a local authority by which the child is looked after within the meaning of section 17(6) of the 1995 Act,
      - (bb) a local authority in England or Wales by which the child is looked after within the meaning of section 105(4) of the Children Act 1989 (“the 1989 Act”)<sup>M6</sup>, or
      - (cc) an authority in Northern Ireland by which the child is looked after within the meaning of article 25 of the Children (Northern Ireland) Order 1995 (“the 1995 Order”)<sup>M7</sup>.
- (2) A person described in paragraph (1)(a) must not be—
- (a) the parent of the child within the meaning of section 15(1) of the 1995 Act,
  - (b) a foster carer within the meaning of regulation 2 of the Looked After Children (Scotland) Regulations 2009,
  - (c) a local authority foster parent in England and Wales within the meaning of section 105(1) of the 1989 Act, or
  - (d) an authority foster parent in Northern Ireland within the meaning of article 27(3) of the 1995 Order.
- (3) In paragraph (1)(a) “related” means related either by blood, marriage or civil partnership.]

### Textual Amendments

- F2** Reg. 11 substituted (14.11.2022) by [The Social Security \(Miscellaneous Amendment and Transitional Provision\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/336\)](#), regs. 1(1), **4(3)** (with reg. 5)

### Marginal Citations

- M5** 1995 c.36. Section 17(6) is amended by the [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), [schedule 2](#), paragraph 9(4), the [Children's Hearings \(Scotland\) Act 2011 \(asp 1\)](#), [schedule 5](#), paragraph 2(4) and S.S.I. 2013/211.
- M6** 1989 c.41. Section 105(4) is substituted by S.I. 2016/413.
- M7** S.I. 1995/755 (N.I. 2). Article 25 is amended by the [Children \(Leaving Care\) Act \(Northern Ireland\) 2002 \(c.11\)](#), [section 2\(1\)](#).

### Meaning of “dependant”

- 12.**—(1) A child is to be regarded as a dependant of a person on a day only if—
- (a) paragraph (2) applies, or
  - (b) on that day the person is a kinship carer for the child.
- (2) This paragraph applies if—
- (a) the person has been awarded—
    - (i) child tax credit, child benefit or state pension credit for the day in question (or for a period that includes that day), or
    - (ii) universal credit for an assessment period that includes the day in question, and
  - (b) the child is recognised to be a child for whom the person has responsibility in terms of that award of assistance.
- (3) It is immaterial for the purpose of this regulation that the award of assistance to that person referred to in paragraph (2) does not include any amount in respect of the child due to a rule that restricts the number of dependants in respect of whom the person can be given that type of assistance.

#### Commencement Information

**I10** Reg. 12 in force at 9.11.2020, see [reg. 2](#)

### *Expressions about social security assistance*

### Meaning of determination of entitlement to a Scottish child payment

- 13.**—(1) Unless the context otherwise requires, references in these Regulations to a determination of an individual's entitlement to a Scottish child payment are to a determination made—
- (a) by the Scottish Ministers—
    - (i) under paragraph 3 of the schedule, or
    - (ii) (following a request for a re-determination) under paragraph 16 of the schedule,
  - (b) by the First-Tier Tribunal for Scotland—
    - (i) under paragraph 22 of the schedule in an appeal against a determination made by the Scottish Ministers, or
    - (ii) (subsequent to such an appeal) under its Tribunals Act powers,
  - (c) by the Upper Tribunal for Scotland under its Tribunals Act powers (subsequent to an appeal against, or following a review of, a decision of the First-tier Tribunal).
- (2) In this regulation, “Tribunals Act powers” means powers under Part 6 (review or appeal of decisions) of the Tribunals (Scotland) Act 2014 <sup>M8</sup>.
- (3) A determination of an individual's entitlement to a Scottish child payment consists of—
- (a) a decision about whether or not the eligibility rules specified in regulation 18 are satisfied in the individual's case,
  - (b) if those rules are satisfied, a decision (taken in accordance with these Regulations) about what assistance the individual is entitled to be given, and
  - (c) if the determination is to be made on the basis that the individual has ongoing entitlement to a Scottish child payment, a decision about what assistance the determination is to entitle the individual to be given in the future.

#### Commencement Information

**I11** Reg. 13 in force at 9.11.2020, see [reg. 2](#)

#### Marginal Citations

**M8** 2014 asp 10.

### Meaning of references to specified kinds of assistance

**14.** For the purposes of these Regulations, references to a kind of assistance specified in this regulation are to—

- (a) child tax credit under the Tax Credits Act 2002 <sup>M9</sup>,
- (b) income-based jobseeker's allowance under the Jobseekers Act 1995 <sup>M10</sup>,
- (c) income-related employment and support allowance under Part 1 of the Welfare Reform Act 2007 <sup>M11</sup>,
- (d) income support under Part VII of the Social Security Contributions and Benefits Act 1992 <sup>M12</sup>,
- (e) state pension credit under the State Pension Credit Act 2002 <sup>M13</sup>,
- (f) universal credit under Part 1 of the Welfare Reform Act 2012 <sup>M14</sup>,
- (g) working tax credit under the Tax Credits Act 2002 <sup>M15</sup>.

#### Commencement Information

**I12** Reg. 14 in force at 9.11.2020, see [reg. 2](#)

#### Marginal Citations

**M9** 2002 c.21.

**M10** 1995 c.18.

**M11** 2007 c.5.

**M12** 1992 c.4.

**M13** 2002 c.16.

**M14** 2012 c.5.

**M15** 2002 c.21.

### Meaning of references to assistance being awarded

[<sup>F3</sup>**15.**—(1) An individual is not to be regarded as having been awarded a kind of assistance specified in regulation 14 for a day or a period if—

- (a) the award was made in error (whether or not induced by the individual), or
- (b) the sum awarded to the individual for the day or the period is £0.

(2) In paragraph (1)(b), the reference to “the sum awarded” means, in a case where a deduction has been made—

- (a) in respect of any liability the individual has to another person, or
- (b) by way of a sanction,

the sum that would have been awarded had the deduction not been made.]

#### Textual Amendments

**F3** Reg. 15 substituted (15.1.2021) by [The Scottish Child Payment Amendment Regulations 2021 \(S.S.I. 2021/16\)](#), regs. 1, 3

#### Commencement Information

**I13** Reg. 15 in force at 9.11.2020, see reg. 2

### Meaning of “assessment period” in relation to universal credit

**16.** “Assessment period” means a period in respect of which universal credit may be payable to the individual in question in accordance with section 7 of the Welfare Reform Act 2012.

#### Commencement Information

**I14** Reg. 16 in force at 9.11.2020, see [reg. 2](#)

## PART 3

### Eligibility and assistance to be given

#### Duty to give assistance

**17.** The Scottish Ministers must give an individual whatever assistance the individual is entitled to be given under a determination of the individual's entitlement to a Scottish child payment.

#### Commencement Information

**I15** Reg. 17 in force at 9.11.2020, see [reg. 2](#)

#### Eligibility for a Scottish child payment

- 18.** An individual is eligible for a Scottish child payment in respect of a child if—
- the individual has made an application for the payment (or an application is treated as having been made by the individual by virtue of a provision in the schedule requiring the Scottish Ministers to make a determination without application in the individual's case),
  - the child is under [<sup>F4</sup>16] years of age on the day the application is made,
  - no other individual has received, or is due to receive, a Scottish child payment in respect of the child and the period that the payment will cover (other than in circumstances where paragraph 10(1)(b) of the schedule applies),
  - the individual is ordinarily resident in Scotland on the day the application is made,
  - the individual is responsible for the child on the day the application is made, and
  - the individual has been awarded, for the day the application is made (or for a period or universal credit assessment period which includes that day), assistance of a kind specified in regulation 14.

#### Textual Amendments

- F4** Word in [reg. 18\(b\)](#) substituted (14.11.2022) by [The Social Security \(Miscellaneous Amendment and Transitional Provision\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/336\)](#), regs. 1(1), **4(4)** (with [reg. 5](#))

#### Commencement Information

- I16** Reg. 18 in force at 9.11.2020, see [reg. 2](#)

### [<sup>F5</sup>Beginning of entitlement to assistance

**18A.** Where a determination is made that an individual is entitled to a Scottish child payment, the date on which entitlement begins is the date on which the application is made or treated as made in accordance with regulation 5.]

#### Textual Amendments

- F5** [Reg. 18A](#) inserted (14.11.2022) by [The Social Security \(Miscellaneous Amendment and Transitional Provision\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/336\)](#), regs. 1(1), **4(5)** (with [reg. 5](#))

#### Modifications etc. (not altering text)

- C1** [Reg. 18A](#) excluded (14.11.2022) by [The Scottish Child Payment \(Ancillary Provision\) Regulations 2022 \(S.S.I. 2022/326\)](#), regs. 1(1), **4(4)(b)**

### Ongoing entitlement

**19.**—(1) A determination of an individual's entitlement to a Scottish child payment in respect of a child and a week may be made on the basis that the individual has an ongoing entitlement to a Scottish child payment.

(2) A determination of ongoing entitlement is made on the basis that the individual will continue to be entitled to a Scottish child payment in respect of that child in each subsequent week until—

- (a) the week following any week in which the individual ceases to have responsibility for the child,
- (b) the week following that in which the child attains the age of [<sup>F6</sup>16] years,
- (c) the week following any week in which the individual ceases to be ordinarily resident in Scotland,
- (d) any week in which no award of assistance of a kind specified in regulation 14 is made to the individual for any day in that week.

#### Textual Amendments

- F6** Word in [reg. 19\(2\)\(b\)](#) substituted (14.11.2022) by [The Scottish Child Payment \(Ancillary Provision\) Regulations 2022 \(S.S.I. 2022/326\)](#), regs. 1(1), **2** (with [reg. 4](#))

#### Commencement Information

- I17** Reg. 19 in force at 9.11.2020, see [reg. 2](#)



### [<sup>F7</sup>Circumstances in which assistance may be suspended

**19A.**—(1) The Scottish Ministers may decide that an individual who has an ongoing entitlement to Scottish child payment in respect of a period by virtue of regulation 19 is not to become entitled to be given some or all of that assistance at the time at which the individual otherwise would in accordance with that regulation, as read with regulation 21 (time of payment) (referred to in these Regulations as a decision to suspend the individual’s Scottish child payment).

(2) Where such a decision is made in respect of an individual, payments of Scottish child payment to that individual are to be suspended until such time as the Scottish Ministers decide that the individual is once again to become entitled to be given Scottish child payment.

(3) The Scottish Ministers may decide to suspend an individual’s Scottish child payment only in the circumstances where—

- (a) paragraph 25(2) of the schedule applies, or
- (b) the Scottish Ministers have made arrangements (whether under section 85A of the 2018 Act, section 85B of the 2018 Act or otherwise) for a person to receive the Scottish child payment on the individual’s behalf, and the Scottish Ministers consider that it is necessary to suspend the Scottish child payment—
  - (i) in order to protect the individual from the risk of financial abuse, or
  - (ii) because the person with whom the Scottish Ministers have made arrangements is unable to continue to receive the Scottish child payment.

#### Textual Amendments

**F7** Regs. 19A-19G inserted (9.2.2022) by [The Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People \(Scotland\) Regulations 2021 \(Miscellaneous Amendments\) Regulations 2022 \(S.S.I. 2022/41\)](#), regs. 1, **2(2)**

### Having regard to financial circumstances

**19B.** The Scottish Ministers must have regard to an individual’s financial circumstances prior to making a decision to suspend payment to the individual of some or all of a Scottish child payment.

#### Textual Amendments

**F7** Regs. 19A-19G inserted (9.2.2022) by [The Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People \(Scotland\) Regulations 2021 \(Miscellaneous Amendments\) Regulations 2022 \(S.S.I. 2022/41\)](#), regs. 1, **2(2)**

### Information to be given following suspension

**19C.**—(1) Having made a decision to suspend an individual’s Scottish child payment, the Scottish Ministers must inform the individual of—

- (a) their decision to suspend the individual’s Scottish child payment,
- (b) the reasons for their decision,
- (c) any steps which might be taken by the individual in order for the Scottish Ministers to consider ending the suspension, and
- (d) the individual’s right under regulation 19D to require the Scottish Ministers to review their decision.

(2) The Scottish Ministers must fulfil their duty under paragraph (1) in a way that leaves the individual with a record of the information which the individual can show to, or otherwise share with, others.

#### Textual Amendments

**F7** Regs. 19A-19G inserted (9.2.2022) by [The Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People \(Scotland\) Regulations 2021 \(Miscellaneous Amendments\) Regulations 2022 \(S.S.I. 2022/41\)](#), regs. 1, **2(2)**

### Right to review suspension

**19D.**—(1) An individual may require the Scottish Ministers to review a decision to suspend that individual’s Scottish child payment.

(2) The Scottish Ministers must—

- (a) complete a review mentioned in paragraph (1) within 31 days beginning with the day on which they received notice from the individual requiring them to review their decision,
- (b) inform the individual of the outcome of the review including the reasons for it.

(3) The Scottish Ministers must fulfil their duty under paragraph (2)(b) in a way that leaves the individual with a record of the information which the individual can show to, or otherwise share with, others.

#### Textual Amendments

**F7** Regs. 19A-19G inserted (9.2.2022) by [The Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People \(Scotland\) Regulations 2021 \(Miscellaneous Amendments\) Regulations 2022 \(S.S.I. 2022/41\)](#), regs. 1, **2(2)**

### Ending a suspension

**19E.** The Scottish Ministers are to make a decision to end a suspension where—

- (a) the individual provides the information mentioned in paragraph 25(1) of the schedule and the Scottish Ministers consider that they do not require to make a determination without application,
- (b) regulation 19A(3)(a) applies and the Scottish Ministers make a determination without application under paragraph 6 (determination following official error resulting in underpayment), 7 (determination following error resulting in overpayment), 8 (determination following backdated award of assistance), 10 (determination following change of circumstances, etc.), 11 (determination following award of a Scottish child payment in respect of another child), 12 (determination following cessation of award of a Scottish child payment) or 13 (determination to effect a deduction decision) of the schedule,
- (c) the Scottish Ministers make a determination under paragraph 25(4) of the schedule,
- (d) the circumstances mentioned in regulation 19A(3)(b) no longer apply, or
- (e) the Scottish Ministers consider it appropriate in the circumstances, including having regard to the financial circumstances of the individual.

#### Textual Amendments

- F7** Regs. 19A-19G inserted (9.2.2022) by [The Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People \(Scotland\) Regulations 2021 \(Miscellaneous Amendments\) Regulations 2022 \(S.S.I. 2022/41\)](#), regs. 1, **2(2)**

#### Effect of suspension ending

**19F.** When—

- (a) the suspension of an individual’s Scottish child payment ends, and
- (b) under the latest determination of the individual’s entitlement to Scottish child payment relating to the period of the suspension the individual would have become entitled to be given Scottish child payment during that period,

the individual is immediately to be given the Scottish child payment that the individual would have become entitled to be given under the determination during the period of suspension.

#### Textual Amendments

- F7** Regs. 19A-19G inserted (9.2.2022) by [The Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People \(Scotland\) Regulations 2021 \(Miscellaneous Amendments\) Regulations 2022 \(S.S.I. 2022/41\)](#), regs. 1, **2(2)**

#### Interpretation: regulations 19A to 19F

**19G.** In regulations 19A to 19F—

- (a) references to an individual’s Scottish child payment being suspended are to an individual not becoming entitled to be given some or all of the Scottish child payment in respect of a period that the individual otherwise would at the time, or times, prescribed by regulation 19 (ongoing entitlement), and
- (b) “financial abuse” includes—
  - (i) having money or other property stolen,
  - (ii) being defrauded,
  - (iii) being put under pressure in relation to money or other property,
  - (iv) having money or other property misused.]

#### Textual Amendments

- F7** Regs. 19A-19G inserted (9.2.2022) by [The Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People \(Scotland\) Regulations 2021 \(Miscellaneous Amendments\) Regulations 2022 \(S.S.I. 2022/41\)](#), regs. 1, **2(2)**

#### Value and form of a Scottish child payment

**20.**—(1) The value of a Scottish child payment in respect of a child is [<sup>F8</sup>£26.70] per week.

(2) A Scottish child payment may only be given as money, except as provided for by paragraph (3).

(3) Where an individual has a liability to the Scottish Ministers under section 63 of the 2018 Act (liability for assistance given in error), or under paragraph 29 of the schedule of these Regulations, the individual's Scottish child payment may be given (in whole or in part) by way of deduction, at a reasonable level, from that liability either—

- (a) with the agreement of the individual, or
- (b) without the individual's agreement, where the individual has unreasonably refused to agree to the assistance being given in that form.

(4) For the purpose of sub-paragraph (3), “reasonable level” means a level that is reasonable having regard to the financial circumstances of the individual.

[5] For each week in the period of 12 weeks ending with the death of the child, the amount of Scottish child payment that is to be given to the individual is the weekly rate, multiplied by two.]

#### Textual Amendments

**F8** Sum in [Reg. 20\(1\)](#) substituted (1.4.2024) by [The Social Security \(Up-rating\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2024 \(S.S.I. 2024/105\)](#), regs. 1(2), **11** (with sch. para. 9)

#### Modifications etc. (not altering text)

**C2** [Reg. 20\(5\)](#) inserted (14.11.2022) by [The Social Security \(Miscellaneous Amendment and Transitional Provision\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/336\)](#), regs. 1(1), **4(6)(b)** (with [reg. 5](#)) (with savings in [S.S.I. 2022/302](#), **reg. 3**)

### Time of payment

**21.—(1)** Following a determination that an individual is entitled to a Scottish child payment, the payment is to be given in accordance with [<sup>F9</sup>paragraph (2) or, where paragraph (3) applies, paragraph (4)].

[<sup>F10</sup>(2) Except where paragraph (3) applies, where a determination is made that an individual is entitled to a Scottish child payment, the Scottish Ministers are to make—

- (a) the first payment of a Scottish child payment on a date specified in the determination, and
- (b) subsequent payments in the last week of each successive period of 4 weeks in which the individual continues to be entitled to a Scottish child payment for at least one week by virtue of regulation 19.]

[<sup>F11</sup>(3) This paragraph applies where the payment is to be made pursuant to a determination made in accordance with paragraph 11 of the schedule (determination following award of a Scottish child payment in respect of another child).

(4) Where paragraph (3) applies, payments are to be made so that—

- (a) the first payment is made on the same day as the next Scottish child payment that is due to be made to the individual in respect of their ongoing entitlement to that payment in respect of another child (see paragraph 11(1)(a) of the schedule),
- (b) that first payment is made, in arrears, in respect of the period beginning with the day on which the application is made and ending with the day referred to in sub-paragraph (a), and
- (c) subsequent payments are made in respect of periods of 4 weeks, in arrears, in the last week of each successive period of 4 weeks in which the individual continues to be entitled to a Scottish child payment for at least one week by virtue of regulation 19.

(5) Where the period mentioned in paragraph (4)(b) includes a part-week, for the purpose only of that first payment the part-week is to be treated as a full week.]

#### Textual Amendments

- F9** Words in [reg. 21\(1\)](#) substituted (15.1.2021) by [The Scottish Child Payment Amendment Regulations 2021 \(S.S.I. 2021/16\)](#), regs. 1, [4\(2\)](#)
- F10** [Reg. 21\(2\)](#) substituted (14.11.2022) by [The Social Security \(Miscellaneous Amendment and Transitional Provision\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/336\)](#), regs. 1(1), [4\(7\)](#) (with [reg. 5](#))
- F11** [Reg. 21\(3\)-\(5\)](#) inserted (15.1.2021) by [The Scottish Child Payment Amendment Regulations 2021 \(S.S.I. 2021/16\)](#), regs. 1, [4\(4\)](#)

#### Commencement Information

- I18** [Reg. 21](#) in force at 9.11.2020, see [reg. 2](#)

### Individual's right to stop receiving assistance

**22.**—(1) An individual may request that the Scottish Ministers cancel a determination of the individual's entitlement to assistance.

(2) On being requested to do so under paragraph (1), the Scottish Ministers must cancel a determination—

- (a) with immediate effect, or
- (b) with effect from a later date specified in the request.

(3) An individual is not entitled, and is not to become entitled, to be given assistance by a determination after it has been cancelled.

(4) A request under paragraph (1) must be made in such form as the Scottish Ministers require.

(5) The Scottish Ministers must publicise any requirements for the time being set under paragraph (4).

#### Commencement Information

- I19** [Reg. 22](#) in force at 9.11.2020, see [reg. 2](#)

### Later determination supersedes earlier

**23.**—(1) The latest determination of an individual's entitlement to a Scottish child payment in respect of a given period or event supersedes any earlier determination insofar as it deals with the individual's entitlement to a Scottish child payment in respect of the same period or event.

(2) Accordingly the individual is not entitled, and is not to become entitled, to be given a Scottish child payment in respect of that period or event by the earlier determination insofar as it has been superseded.

#### Commencement Information

- I20** [Reg. 23](#) in force at 9.11.2020, see [reg. 2](#)

## PART 4

### Transitory provision

#### Definitions – initial period

**24.**—(1) Regulations 25, 26, and 27 apply in respect of the initial application period and the initial payment period.

(2) For the purposes of this Part—

- (a) the “initial application period” means the period beginning with the day on which these Regulations come into force and ending on the day which falls 14 weeks after that day, and
- (b) the “initial payment period” means the period beginning with the day immediately after the end of the initial application period and ending on the day which falls 4 weeks after that day.

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#### Commencement Information

**I21** Reg. 24 in force at 9.11.2020, see [reg. 2](#)

#### When an application is treated as made – initial period

**25.** Any application for a Scottish child payment which is received by the Scottish Ministers during the initial application period is to be treated for the purposes of these Regulations as having been made on the day immediately after the expiry of that period.

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#### Commencement Information

**I22** Reg. 25 in force at 9.11.2020, see [reg. 2](#)

#### Time of payment – initial period

**26.** Where an individual's first payment period (see regulation 21(2)(a)) would fall wholly or partly in the initial payment period, regulation 21(2) does not apply and instead—

- (a) the first payment to the individual is to be made in arrears on such date within the initial payment period as the Scottish Ministers consider appropriate,
- (b) subsequent payments to the individual are to be made in the last week of each successive period of 4 weeks in which the individual continues to be entitled to a Scottish child payment for at least one week by virtue of regulation 19.

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#### Commencement Information

**I23** Reg. 26 in force at 9.11.2020, see [reg. 2](#)

#### Duty to notify – initial period

**27.**—(1) The Scottish Ministers may place a duty to notify them about a change in circumstances on a person to whom sub-paragraph (3) or (4) applies.

(2) The Scottish Ministers place a duty under paragraph (1) by informing the person—

- (a) of the changes in circumstances which the person has a duty to notify them about,
  - (b) of the way in which the person is to notify them, and
  - (c) that failing to notify them about a change in any of those circumstances in that way, so that an individual's entitlement to a Scottish child payment is determined on the basis of information that is false or misleading, may be an offence under section 72 of the 2018 Act.
- (3) This sub-paragraph applies to an individual in respect of whom an application for a Scottish child payment is made during the initial application period.
- (4) This sub-paragraph applies to a person acting on behalf of an individual to whom sub-paragraph (3) applies in relation to any application for a Scottish child payment during the initial period.

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**Commencement Information**

**I24** Reg. 27 in force at 9.11.2020, see [reg. 2](#)

St Andrew's House,  
Edinburgh

*SHIRLEY-ANNE SOMERVILLE*  
A member of the Scottish Government

**Changes to legislation:**

There are currently no known outstanding effects for the The Scottish Child Payment Regulations 2020.