
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 351

The Scottish Child Payment Regulations 2020

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.

Eligibility for a Scottish child payment

- 18.** An individual is eligible for a Scottish child payment in respect of a child if—
- (a) 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),
 - (b) the child is under 6 years of age on the day the application is made,
 - (c) 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),
 - (d) the individual is ordinarily resident in Scotland on the day the application is made,
 - (e) the individual is responsible for the child on the day the application is made, and
 - (f) 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.

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 6 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.

Value and form of a Scottish child payment

20.—(1) The value of a Scottish child payment in respect of a child is £10 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.

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 paragraph (2).

(2) Payments are to be made in respect of periods of 4 weeks, in arrears, so that—

- (a) the first payment is made in the last week of the period of 4 weeks beginning with the day on which the application is made (the individual's first payment period), and
- (b) subsequent payments are 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.

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).

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.