

SCHEDULE

Procedural matters

PART 1

Applications and determination of applications

Multiple determinations involving the same child

5.—(1) Where the Scottish Ministers are required by paragraph 3 to make a determination of the entitlement of two or more individuals for a Scottish child payment in respect of the same child and the same period, the determination must be made in accordance with sub-paragraphs (2) to [F¹(6)].

(2) For the avoidance of doubt, the Scottish Ministers must—

- (a) make a determination of each individual's entitlement, notwithstanding that another individual may have previously been properly awarded a Scottish child payment in respect of the child (and continue to receive that payment), and
- (b) in so doing, determine which (if any) of the individuals is to be entitled to a Scottish child payment in respect of the child.

(3) Where the Scottish Ministers decide that two or more individuals are eligible for a Scottish child payment in respect of the child and the period (see regulations 18 and 19), they must apply the rules in [F² sub-paragraphs (4) to (6)] to determine which of the individuals is to be entitled to the payment.

(4) 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), [F³unless the Scottish Ministers decide otherwise in pursuance of the rule in sub-paragraph (6),] that individual is entitled to the payment,
- (b) where none of the individuals have been awarded assistance as described in sub-paragraph (4)(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 the payment,
- (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 (4)(a) or (4)(b), the individual whose determination is to be made first is entitled to the payment,
- (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 the payment.

(5) For the purposes of sub-paragraph (4), the Scottish Ministers must determine the entitlement of the individual whose entitlement first fell to be determined in accordance with paragraph 3 (whether on receipt of an application from the individual or by virtue of Part 2 of this schedule) before making any other determination.

[F⁴(6) Where—

- (a) having applied the rules in sub-paragraph (4) in accordance with sub-paragraph (3) it appears to the Scottish Ministers from information available to them that none of the

Changes to legislation: There are currently no known outstanding effects for the The Scottish Child Payment Regulations 2020, Paragraph 5. (See end of Document for details)

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 subparagraph (4) are true in the case of the individuals in question and one individual is a kinship carer for the child,]

Textual Amendments

- F1** Word in sch. para. 5(1) 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), **6(2)**
- F2** Words in sch. para. 5(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), **6(3)**
- F3** Words in sch. para. 5(4)(a) 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), **6(4)**
- F4** Sch. para. 5(6) 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), **6(5)**
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Commencement Information

- I1** Sch. para. 5 in force at 9.11.2020, see [reg. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the The Scottish Child Payment Regulations 2020, Paragraph 5.