

## SCHEDULE

### Procedural matters

## PART 2

### Determination without application

#### Determination following official error resulting in underpayment

6.—(1) The Scottish Ministers are to make a determination of an individual's entitlement to a Scottish child payment (without receiving an application) where—

- (a) they have previously made a determination of the individual's entitlement to the payment (“the original determination”),
  - (b) they establish that due to an official error the original determination was incorrect resulting in the individual—
    - (i) not being given a Scottish child payment to which the individual was entitled, or
    - (ii) being given a lower award than that to which the individual was entitled,
  - (c) the Scottish Ministers are not considering a request for a re-determination of the individual's entitlement to the Scottish child payment, and
  - (d) the individual has not appealed to the First-tier Tribunal for Scotland against the Scottish Ministers' determination of the individual's entitlement to the Scottish child payment.
- (2) In making a determination required by sub-paragraph (1) the Scottish Ministers are to use—
- (a) the information provided in the application that led to the original determination, and
  - (b) any other information they have obtained in connection with that application.

(3) Where a determination is to be, or has been, made without an application by virtue of this paragraph, references in these Regulations to the day the application is made are to be read as references to the day the application that led to the original determination was made.

(4) In this paragraph, “official error” means an error made by someone acting on behalf of the Scottish Ministers or on behalf of a Minister of the Crown that was not materially contributed to by anyone not so acting.

#### Commencement Information

**II** Sch. para. 6 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 6.