

SCHEDULE

Procedural matters

PART 5

Further provision about determining entitlement

[^{F1}Obtaining information to make determination

25.—(1) Where—

- (a) the Scottish Ministers are either—
 - (i) determining an individual's entitlement to a Scottish child payment, or
 - (ii) considering whether paragraph 6, 7, 8, 10, 11, 12 or 13 requires them to make a determination of an individual's entitlement to a Scottish child payment (without receiving an application), and
- (b) they require further information in order to satisfy themselves about any matter material to the making of the determination of entitlement or (as the case may be) to their consideration of whether they are required to make a determination without receiving an application,

they may request that the individual provide them with the information within such period as they specify.

(2) If—

- (a) the Scottish Ministers are either—
 - (i) determining the individual's entitlement to a Scottish child payment, or
 - (ii) considering whether paragraph 6, 7, 8, 10, 11, 12 or 13 requires them to make a determination of an individual's entitlement to a Scottish child payment (without receiving an application),
- (b) the individual fails to provide the requested information within the period specified under sub-paragraph (1), and
- (c) it is the first time that the individual has failed to provide the Scottish Ministers with the requested information within a specified period since they began making the determination or considering the matter mentioned in head (a)(ii),

the Scottish Ministers may issue a decision to suspend the Scottish child payment to the individual in accordance with regulations 19A to 19G (suspension of entitlement).

(3) Where the Scottish Ministers issue such a decision, they must, at the same time, request that the individual provide them with the information within such further period as they specify.

(4) If the individual fails to provide information requested under sub-paragraph (1) within the period specified under sub-paragraph (1) or (3) the Scottish Ministers may, without further consideration, proceed to make the determination on the basis that the individual does not satisfy the eligibility rules in regulation 18, or (as the case may be) that the individual has no ongoing entitlement under regulation 19.]

Textual Amendments

- F1** Sch. para. 25 substituted (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(4)**

Duty to notify change of circumstances

26.—(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 sub-paragraph (1) on a person 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 may be an offence under section 72 of the 2018 Act.

(3) This sub-paragraph applies to an individual who is to be given a Scottish child payment under a determination made on the basis that the individual has ongoing entitlement to a Scottish child payment.

(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 or the determination of the individual's entitlement.

Commencement Information

- I1** Sch. para. 26 in force at 9.11.2020, see **reg. 2**

Lifting of duty to notify change of circumstances

27.—(1) A duty to notify the Scottish Ministers about a change of circumstances placed on a person under regulation 27 or paragraph 26 ceases to apply when—

- (a) it is lifted under sub-paragraph (2), or
- (b) it stops being the case that a change in any of the circumstances to which the duty relates can affect someone's entitlement to be given a Scottish child payment.

(2) The Scottish Ministers may lift a duty placed on a person under regulation 27 or paragraph 26 by informing the person that the duty is lifted.

(3) Under sub-paragraph (2), the Scottish Ministers may lift a duty as it relates to some or all of the changes in circumstances which the person has a duty to notify them about.

Commencement Information

- I2** Sch. para. 27 in force at 9.11.2020, see **reg. 2**

Right to support

28.—(1) The Scottish Ministers must comply with an individual's wish to have another person (“a supporter”) present during any discussion relating to the individual's entitlement to a Scottish child payment, unless the wish is unreasonable.

(2) The Scottish Ministers' duty under sub-paragraph (1) includes ensuring that any person acting on their behalf complies with such a wish, unless the wish is unreasonable.

(3) The role of a supporter is to support the individual in question during the discussion, and includes making representations on the individual's behalf.

(4) Nothing in this paragraph is to be read as requiring the Scottish Ministers to provide or pay for a supporter.

Commencement Information

I3 Sch. para. 28 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, PART 5.