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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 3 of these Regulations amends the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018. The amendments make changes to the residence requirements in relation to the pregnancy and baby grant, the early learning grant and the school-age grant. The amendments insert eligibility criteria relating to persons who fall within the scope of the Immigration (European Economic Area) Regulations 2016 which have effect by virtue of schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020. The amendments also insert an eligibility criterion relating to persons who have been granted indefinite or limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act.

Regulation 4 of these Regulations amends the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019. The amendments make changes to the residence requirements in relation to entitlement to Best Start Foods. The amendments also insert eligibility criteria relating to persons who fall within the scope of the Immigration (European Economic Area) Regulations 2016 which have effect by virtue of schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020. The amendments also insert an eligibility criterion relating to persons who have been granted indefinite or limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act.

Regulation 5 of these Regulations amends the Funeral Expense Assistance (Scotland) Regulations 2019. The amendments make changes to the residence conditions relating to support for funerals in an EU member state, Iceland, Liechtenstein, Norway or Switzerland. The amendments substitute references to [Directive 2004/38/EC](#) of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States in regulation 9 with references to the Immigration (European Economic Area) Regulations 2016 which have effect by virtue of schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020. The amendments also insert an eligibility criterion relating to persons who have been granted indefinite or limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act.

Regulation 6 of these Regulations makes savings from the revocations in regulation 7 as are necessary to give effect to the agreement on the co-ordination of social security as between the United Kingdom and Gibraltar as specified in this regulation.

Regulation 7 of these Regulations revokes Regulation [\(EC\) No 883/2004](#) of the European Parliament and of the Council on the coordination of social security systems, Regulation [\(EC\) No 987/2009](#) of the European Parliament and of the Council laying down the procedure for implementing Regulation [\(EC\) No 883/2004](#), Regulation [\(EEC\) No 1408/71](#) on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation [\(EEC\) No 574/72](#) fixing the procedure for implementing Regulation [\(EEC\) No 1408](#) and Regulation [\(EC\) No 859/2003](#) extending Regulation [\(EEC\) No 1408/71](#) to nationals of non-EU Member Countries. Those Regulations relate to the co-ordination of social

**Changes to legislation:** There are currently no known outstanding effects for the The Social Security Coordination (EU Exit) (Scotland) (Amendments etc.) Regulations 2020. (See end of Document for details)

security systems throughout the EU. The retained direct EU legislation revoked by this regulation is revoked in so far as it has effect in relation to devolved social security matters.

Regulation 8 of these Regulations revokes the Social Security Coordination ([Council Regulation \(EEC\) No 574/72](#)) (Amendment) (EU Exit) Regulations 2019 ([S.I. 2019/721](#)), the Social Security Coordination (Regulation ([EC](#)) No 883/2004, EEA Agreement and Swiss Agreement) (Amendment) (EU Exit) Regulations 2019 ([S.I. 2019/722](#)), the Social Security Coordination (Regulation ([EC](#)) No 987/2009) (Amendment) (EU Exit) Regulations 2019 ([S.I. 2019/723](#)) and the Social Security Coordination ([Council Regulation \(EEC\) No 1408/71](#) and Council Regulation ([EC](#)) No 859/2003 (Amendment) (EU Exit) Regulations 2019 ([S.I. 2019/726](#)). Those Regulations were made under the powers in section 8(1) of the European Union (Withdrawal) Act 2018 ([2018 c.26](#)) amending the retained direct EU legislation revoked by regulation 7. The instruments revoked by this regulation are revoked in so far as they have effect in relation to devolved social security matters.

A Business and Regulatory Impact Assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security Co-ordination (EU Exit) (Scotland) (Amendments etc.) Regulations 2020.