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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 399**

**The Social Security Co-ordination (EU Exit)  
(Scotland) (Amendments etc.) Regulations 2020**

**Amendment of the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018**

**3.—(1)** The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018(1) are amended in accordance with paragraphs (2) to (4).

(2) In paragraph 4(2) of schedule 2 (residence requirement)—

(a) in head (a), for “, the Isle of Man, the European Economic Area or Switzerland” substitute “or the Isle of Man”,

(b) after head (a), insert—

“(aa) a person who, or has a partner who, is habitually resident in the European Economic Area or Switzerland and—

(i) is a qualified person within the meaning of regulation 6(1)(a) (jobseeker), (b) (worker), (c) (self-employed person), (d) (self-sufficient person) or (e) (student) of the Immigration (European Economic Area) Regulations 2016(2) (the EEA Regulations);

(ii) retains the status referred to in sub-head (i) pursuant to regulation 6(2) or (4) of the EEA Regulations(3);

(iii) is a family member of a person referred to in sub-head (i) or (ii) within the meaning of regulation 7(1) of the EEA Regulations(4);

(iv) has a right to reside permanently in the United Kingdom by virtue of regulation 15(1) of the EEA Regulations(5); or

(v) has been granted indefinite or limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971(6) by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act(7).”.

(3) In paragraph 3(2) of schedule 3 (residence requirement)—

(a) in head (a), for “, the Isle of Man, the European Economic Area or Switzerland” substitute “or the Isle of Man”,

(b) after head (a), insert—

“(aa) a person who, or has a partner who, is habitually resident in the European Economic Area or Switzerland and—

(i) is a qualified person within the meaning of regulation 6(1)(a) (jobseeker), (b) (worker), (c) (self-employed person), (d) (self-sufficient person) or (e)

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(1) [S.S.I. 2018/370](#) was relevantly amended by [S.S.I. 2019/110](#).

(2) [S.I. 2016/1052](#) was relevantly amended by [S.I. 2018/801](#), [S.I. 2019/468](#) and [S.I. 2019/1155](#).

(3) Regulation 6 was relevantly amended by [S.I. 2018/801](#).

(4) Regulation 7 was relevantly amended by [S.I. 2019/1155](#) and [S.I. 2019/468](#).

(5) Regulation 15 was relevantly amended by [S.I. 2018/801](#).

(6) [1971 c.77](#).

(7) <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-eu>, as amended from time to time.

- (student) of the Immigration (European Economic Area) Regulations 2016 (the EEA Regulations);
  - (ii) retains the status referred to in sub-head (i) pursuant to regulation 6(2) or (4) of the EEA Regulations;
  - (iii) is a family member of a person referred to in sub-head (i) or (ii) within the meaning of regulation 7(1) of the EEA Regulations;
  - (iv) has a right to reside permanently in the United Kingdom by virtue of regulation 15(1) of the EEA Regulations; or
  - (v) has 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.”.
- (4) In paragraph 4(2) of schedule 4 (residence requirement)—
- (a) in head (a), for “, the Isle of Man, the European Economic Area or Switzerland” substitute “or the Isle of Man”,
  - (b) after head (a), insert—
    - “(aa) a person who, or has a partner who, is habitually resident in the European Economic Area or Switzerland and—
      - (i) is a qualified person within the meaning of regulation 6(1)(a) (jobseeker), (b) (worker), (c) (self-employed person), (d) (self-sufficient person) or (e) (student) of the Immigration (European Economic Area) Regulations 2016 (the EEA Regulations);
      - (ii) retains the status referred to in sub-head (i) pursuant to regulation 6(2) or (4) of the EEA Regulations;
      - (iii) is a family member of a person referred to in sub-head (i) or (ii) within the meaning of regulation 7(1) of the EEA Regulations;
      - (iv) has a right to reside permanently in the United Kingdom by virtue of regulation 15(1) of the EEA Regulations; or
      - (v) has 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.”.

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**Commencement Information**

**II** [Reg. 3](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, s 39\(1\)](#)), see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security Co-ordination (EU Exit) (Scotland) (Amendments etc.) Regulations 2020, Section 3.