
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020 (“the principal Regulations”) which make provision about payments of winter heating assistance (“child winter heating assistance”).

Regulation 2(3) extends eligibility criteria to individuals entitled to the enhanced rate of the daily living component of Personal Independence Payment during the qualifying week. The amendments ensure that individuals who are entitled to the enhanced rate of the daily living component of Personal Independence Payment have the same entitlements and disregards as individuals entitled to the highest rate of the care component of Disability Living Allowance and Child Disability Payment care component. Regulation 2(3)(b) and 3(d) deal with the effect on entitlement to the care component of Disability Living Allowance and daily living component of Personal Independence Payment when an individual is in a hospital, to ensure those who are 18 are not excluded from eligibility for child winter heating assistance. Regulation 2(3)(d) also deals with the effect on entitlement to the daily living component of Personal Independence Payment when an individual is in a care home, to ensure those who are 18 are not excluded from eligibility for child winter heating assistance.

Regulation 2(4) removes the deadline to make determinations without application under regulation 5 of the principal Regulations.

Regulation 2(5) amends the principal Regulations to include provision for Scottish Ministers to make a determination of entitlement following an appeal that results in a backdated award for someone on the enhanced rate of daily living component of Personal Independence Payment.

Regulation 2(3)(d) and (6) allow Scottish Ministers to make a determination of entitlement for individuals to now apply for the periods for which they would have been eligible for child winter heating assistance had the benefit been capable of being claimed at the same time the principal Regulations came into force.

Regulation 2(7) amends the principal Regulations in connection with payments of child winter heating assistance in respect of children. Regulation 11(1) of the principal Regulations allows Scottish Ministers to make payment of a young person’s child winter heating assistance to another person to be used for the benefit of the young person, where Scottish Ministers consider it appropriate. The amendment made by regulation 2(7) enables Scottish Ministers to do the same in respect of child winter heating assistance for a child.