
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in respect of the social security assistance entitlement of certain persons arriving in Scotland from Sudan.

Regulations 2, 3, 7 and 8 amend the Social Security (Invalid Care Allowance) Regulations 1976, the Social Security (Attendance Allowance) Regulations 1991, the Social Security (Disability Living Allowance) Regulations 1991, the Social Security (Personal Independence Payment) Regulations 2013, the Disability Assistance for Children and Young People (Scotland) Regulations 2021 and the Disability Assistance for Working Age People (Scotland) Regulations 2022 respectively, to insert a new category of person into the list of persons who are exempt from having to satisfy the past presence test and habitual residence test.

Regulations 4, 5 and 6 amend the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018, the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019 and the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019 respectively, to insert a new category of person into the list of persons who are exempt from having to satisfy the habitual residence test.

The new category inserted by regulations 2 to 8 is a person with leave to enter or remain in the United Kingdom granted under or outside the immigration rules, a right of abode in the United Kingdom or an Irish citizen who does not require leave to enter or remain in the United Kingdom, where they were residing in Sudan before 15 April 2023 and left Sudan in connection with the violence which rapidly escalated on 15 April 2023 in Khartoum and across Sudan.

These Regulations also amend the Council Tax Reduction (Scotland) Regulations 2021 ("the Working Age Regulations") and the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012 ("the Pension Age Regulations") by extending the categories of persons who do not need to meet residence criteria in the United Kingdom in order to qualify for a council tax reduction. The Working Age Regulations concern council tax reduction for those who have not attained pensionable age or who meet other specified criteria while the Pension Age regulations concern council tax reduction for those who have reached the qualifying age for state pension credit.

Regulation 9 inserts new categories into the list of persons who are not to be treated as not being in Great Britain for the purpose of the residence criteria set out in regulation 16 of the Working Age Regulations. The new categories are certain persons who were residing in Sudan before 15 April 2023 and left Sudan in connection with the violence which rapidly escalated on 15 April 2023 in Khartoum and across Sudan. The persons must have been granted leave to remain under the immigration rules made under section 3(2) of the Immigration Act 1971, have a right of abode in the United Kingdom or be an Irish citizen who does not require leave to enter or remain in the United Kingdom.

Regulation 10 makes similar amendments to regulation 16 of the Pension Age Regulations.