
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends social security legislation as a consequence of sections 24 and 32 of, and Schedule 6 to, the Social Security (Scotland) Act 2018 ([asp 9](#)), and regulations made under section 32 of that Act, which make provision for the payment by Scottish Ministers of early years assistance, including maternity and new-baby grants, to qualifying individuals.

Article 1(2) provides that this Order comes into force immediately after the coming into force of the first Regulations made under section 32 of the Social Security (Scotland) Act 2018. The draft Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018 were laid before the Scottish Parliament on 11 September 2018 and are the first Regulations the Scottish Ministers propose to make under section 32.

Part 2 contains consequential amendments to the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 ([S.I. 2005/3061](#)) so that recipients of a maternity and new-baby grant are not also eligible to receive a Sure Start Maternity Grant under these Regulations. Part 2 also contains a saving provision in relation to claims for Sure Start Maternity Grant made before the date on which maternity and new-baby grants become available under the Social Security (Scotland) Act 2018.

Part 3 provides for early years assistance to be disregarded as income or capital when determining a claimant's entitlement to benefits under the Income Support (General) Regulations 1987 ([S.I. 1987/1967](#)), the Jobseeker's Allowance Regulations 1996 ([S.I. 1996/207](#)), the State Pension Credit Regulations 2002 ([S.I. 2002/1792](#)), the Housing Benefit Regulations 2006 ([S.I. 2006/213](#)), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 ([S.I. 2006/214](#)), the Employment and Support Allowance Regulations 2008 ([S.I. 2008/794](#)) and the Universal Credit Regulations 2013 ([S.I. 2013/376](#)).

A full impact assessment has not been produced for this instrument as little or no impact on the private, voluntary or public sectors is foreseen.