

These are the extracted Ukraine amendments to be accommodated into the Social Security (Miscellaneous Amendment) (Scotland) Regulations 2022 for the consideration of SCoSS under section 97(2) of the Social Security (Scotland) Act 2018.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

SOCIAL SECURITY

The Social Security (Miscellaneous Amendment) (Scotland) Regulations 2022

Made - - - - 2022

Coming into force - - *in accordance with regulation 1*

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

2. —(1) The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018(a) are amended in accordance with paragraphs (2) to (6).

(2) ...

(3) ...

(4) In schedule 2 (pregnancy and baby grant)—

(a) in paragraph 1 (eligibility)—

(i) at the end of sub-paragraph (d)(iv) insert “and”,

(ii) at the end of sub-paragraph (e)(iv)(bb) omit “and”, and

(iii) omit sub-paragraph (f),

(b) in paragraph 4 (residence requirement)—

(i) in sub-paragraph (2)(ab)(i) before “leave” insert “has”,

(ii) at the end of sub-paragraph (2)(ac)(i) omit “or”,

(iii) at the end of sub-paragraph (2)(ac)(ii) substitute “;” for “, or”, and

(iv) after sub-paragraph (2)(ac)(ii) insert—

(v) “(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;”

(c) in paragraph 6 (the basic amount)—

(i)

(ii)

(a) S.S.I. 2018/370, amended by S.S.I. 2019/110, S.S.I. 2019/157, S.S.I. 2020/399, S.S.I. 2021/170, S.S.I. 2021/320, S.S.I. 2021/469, S.S.I. 2021/494, S.S.I. 2022/108 and S.S.I. 2022/129.

- (iii) after sub-paragraph (2)(b)(v) insert—
 - “(vi) a child in any one of the circumstances described in sub-paragraph (4), (5) or (6)”, and
- (iv) after sub-paragraph (3) insert—
 - “(4)
 - (5)
- (6) The circumstance referred to in sub-paragraph (2)(b)(vi) is that—
 - (a) the child mentioned in sub-paragraph (2)(b)(vi) was born before the individual to whom the grant is to be given arrived in the United Kingdom, and
 - (b) the individual to whom the grant is to be given is one of the following—
 - (i)
 - (ii)
 - (iii)
 - (iv) a person with leave to enter or remain in the United Kingdom granted under or outside the immigration rules made under section 3(2) of the 1971 Act, or with a right of abode in the United Kingdom within the meaning of section 2 of that Act or who does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of the Act, where the person—
 - (aa) was residing in Ukraine immediately before 1 January 2022, and
 - (bb) left Ukraine in connection with the Russian invasion which took place on 24 February 2022,
 - (v)
 - (vi)
- (5) In schedule 3 (early learning grant),—
 - (a) ...
 - (b) in paragraph 3 (residence requirement) —
 - (i) at the end of sub-paragraph (2)(ac)(i) omit “or”,
 - (ii) at the end of sub-paragraph (2)(ac)(ii) substitute “;” for “, or”,
 - (iii) after sub-paragraph (2)(ac)(ii) insert—
 - “(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;”.
- (6) In schedule 4 (school-age grant)—
 - (a) ...
 - (b) in paragraph 4 (residence requirement) —
 - (i) at the end of sub-paragraph (2)(ac)(i) omit “or”,
 - (ii) at the end of sub-paragraph (2)(ac)(ii) insert “or”,
 - (iii) after sub-paragraph (2)(ac)(ii) insert—
 - “(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;”.

Amendment of the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019

6. In regulation 8(2) of the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019 (conditions relating to residence)(a)—

(a) S.S.I. 2019/324. Regulation (8)(2)(ab) is inserted by S.S.I. 2022/108.

- (a) in sub-paragraph (ab)(i) omit “or”,
- (b) at the end of sub-paragraph (ab)(ii) insert “or”,
- (c) after sub-paragraph (ab)(ii) insert—
 - (i) “(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,”.

Amendment of the Disability Assistance for Children and Young People (Scotland) Regulations 2021

7. In regulation 5(10A)(f) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021 (residence and presence conditions)(a)—

- (a) for “or a right” substitute “has a right”, and
- (b) after “1971” insert “or does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act”.

Amendment of the Disability Assistance for Working Age People (Scotland) Regulations 2022

8. In regulation 15(7)(d) of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (residence and presence conditions)(b)—

- (a) for “or a right” substitute “has a right”, and
- (b) after “1971” insert “or does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act”.

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
Date

(a) S.S.I. 2021/174. Regulation (5)(10A)(f) is inserted by S.S.I. 2022/108.
(b) S.S.I. 2022/54. Regulation (15)(7)(d) is inserted by S.S.I. 2022/108.

EXPLANATORY NOTE

(This note is not part of the Regulations)

...

Amendments relating to an individual's residence

Regulations 2(4)(b), 2(5)(b), 2(6)(b), 4(4)(a), 5, 6, 7 and 8 make amendments to the disability and carer's benefit legislation, the Best Start Grants Regulations and the Best Start Foods Regulations so that persons who do not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of the Immigration Act 1971 (c. 77), notably Irish citizens, may access assistance under the low-income benefit legislation or disability and carer's benefit legislation, upon arrival in Scotland from Ukraine.