

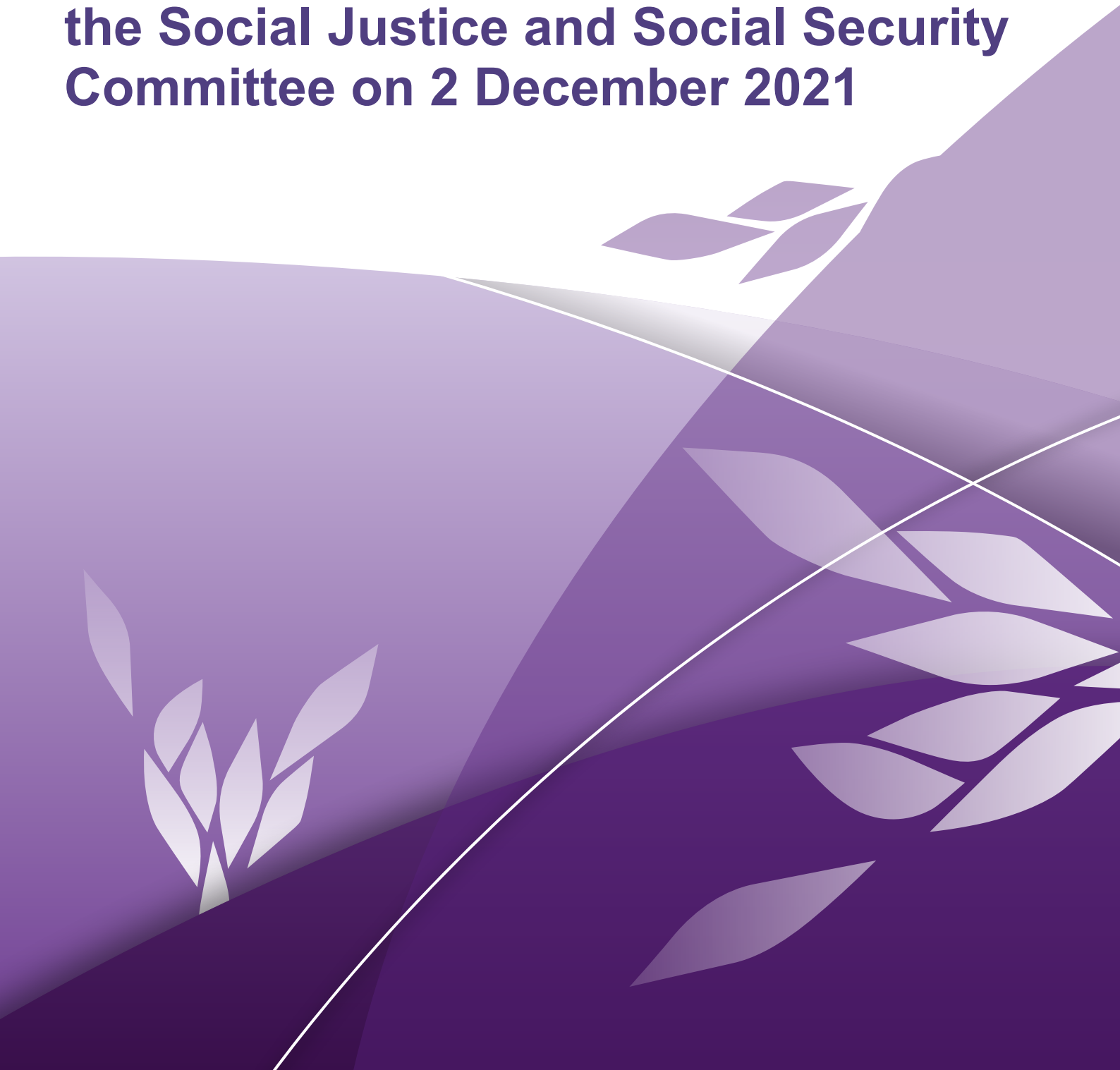


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Pàrlamaid na h-Alba

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Social Justice and Social Security Committee

Subordinate legislation considered by the Social Justice and Social Security Committee on 2 December 2021



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Social Justice and Social Security Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning.

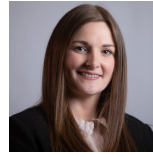


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Committee Membership



Convener
Neil Gray
Scottish National Party



Deputy Convener
Natalie Don
Scottish National Party



Jeremy Balfour
Scottish Conservative
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Miles Briggs
Scottish Conservative
and Unionist Party



Foyso Choudhury
Scottish Labour



Pam Duncan-Glancy
Scottish Labour



Marie McNair
Scottish National Party



Emma Roddick
Scottish National Party

The Best Start Grants and Scottish Child Payment (Miscellaneous Amendments) Regulations 2021

1. This report sets out the Social Justice and Social Security Committee's consideration of The Best Start Grants and Scottish Child Payment (Miscellaneous Amendments) Regulations 2021 at its meeting on 2 December 2021 (12th meeting, 2021)ⁱ. The [minutes](#) of the meeting have been published on the Committee's webpages. The [Official Report of the meeting](#) will be published in due course.
2. [The Best Start Grants and Scottish Child Payment \(Miscellaneous Amendments\) Regulations 2021](#) were laid on 12 November 2021. This Scottish Statutory Instrument (SSI) was made in exercise of the powers conferred by section 32(2) and section 79 of the Social Security (Scotland) Act 2018. The amending regulations amend two principal instruments: the Early Year Assistance (Best Start Grants) (Scotland) Regulations 2018 and the Scottish Child Payment Regulations 2020. This instrument is subject to the affirmative procedure, which means it is for the Committee to recommend to the Parliament whether the draft regulations be approved. As required by section 97(2) of the Social Security (Scotland) Act 2018, the Scottish Ministers have consulted the Scottish Commission on Social Security and a response to the Commission's report has been published.
3. According to the Scottish Government's [Policy Note](#), the instrument inserts new rules to the regulations which Scottish Ministers must apply when faced with competing applications for Scottish Child Payment and Best Start Grants. This is to ensure that the relevant payments are made to the person who is responsible for the child and the circumstances of the child are considered.
4. The Delegated Powers and Law Reform Committee considered the instrument at its [meeting on 23 November 2021](#), and made no recommendations in relation to this instrument.
5. During the evidence session Committee members raised several points regarding the regulations. Members discussed consideration of shared care arrangements and the proposed change which allows Ministerial discretion when making determinations on competing claims. Members highlighted issues around how guidance will ensure that this discretion is exercised in line with human rights principles. Members also noted the statutory requirement for the Scottish Commission on Social Security to have sufficient time to consider regulations and concerns around the timescale given to report on these regulations.
6. Following the evidence session, the Minister for Social Security and Local Government moved motion S6M-02177 in his name—

That the Social Justice and Social Security Committee recommends that the Best Start Grants and Scottish Child Payment (Miscellaneous Amendments) Regulations 2021 be approved.

ⁱ Natalie Don MSP did not attend this meeting

7. The motion was agreed to without division.

8. The Social Justice and Social Security Committee recommends to the Scottish Parliament that the Best Start Grants and Scottish Child Payment (Miscellaneous Amendments) Regulations 2021 be approved.

