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Dear Ed

The Two Child Limit Payment (Scotland) Regulations 2026

I enclose an updated draft copy of paragraph 30 of the schedule to the Two Child Limit Payment (Scotland) Regulations 2026, made under sections 79 and 95 of the Social Security (Scotland) Act 2018.

This updated version is required to address the scenario where a person receives a revised decision to include the child element in their Universal Credit award for a period for which they have already received Two Child Limit Payment for the same child. This scenario can occur because of an error, change of circumstances, mandatory reconsideration, appeal or LEAP (Legal Entitlements and Administrative Practices) exercise.

The changes made to paragraph 30 ensure that where an individual has been overpaid TCLP due to also having the child element included in their UC award for the same child and period, the individual will be liable for the overpayment. Scottish Ministers will still consider the financial and other circumstances of the individual in decisions about whether and how to recover the debt.

My officials would be happy to discuss these changes further with the Commission if helpful.

Yours sincerely,

SHIRLEY-ANNE SOMERVILLE

