

Draft Regulations laid before the Scottish Parliament under section 96(2) of the Social Security (Scotland) Act 2018 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

SOCIAL SECURITY

**The Social Security (Up-rating) (Miscellaneous
Amendment) (Scotland) Regulations 2022**

Made - - - - 2022
Coming into force in accordance with regulation 1(2)
and (3)

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 28(2), 30(2), 31(2), 34(2), 79 and 95 of the Social Security (Scotland) Act 2018(1) and section 13 of the Social Security Act 1988(2) and all other powers enabling them to do so.

In accordance with section 97(2) of that Act, the Scottish Ministers have informed the Scottish Commission on Social Security of their proposals, notified the Scottish Parliament that they have done so and made their proposals publicly available by such means as they consider appropriate.

They have laid a response to the Commission's report on the proposals for the regulations before the Scottish Parliament in accordance with section 97(9)(a) of that Act.

In accordance with section 13(2) of the Social Security Act 1988, they have consulted with the Welsh Ministers(3).

In accordance with section 96(2) of the Social Security (Scotland) Act 2018, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022.

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- (1) [2018 asp 9](#). The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act [2010 \(asp 10\)](#). The Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.
- (2) [1988 c. 7](#). Section 13 was substituted by section 185(1) of the Health and Social Care (Community Health and Standards) Act [2003 \(c. 43\)](#) and amended by section 27(5) of the Scotland Act [2016 \(c. 11\)](#) ("the 2016 Act"). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act [1998 \(c. 46\)](#) as read with section 32 of the 2016 Act.
- (3) Functions conferred or imposed on the National Assembly for Wales immediately before the first appointment of a First Minister under section 46 of the Government of Wales Act [2006 \(c. 32\)](#) by an enactment contained in an Act were transferred to the Welsh Ministers by paragraph 30(2)(c) of Schedule 11 to that Act.

- (2) Subject to paragraph (3), these Regulations come into force on 1 April 2022.
- (3) Regulations 2 and 4 come into force on 11 April 2022.
- (4) In these Regulations—
 - “the Adult Disability Payment Regulations” means the Disability Assistance for Working Age People (Scotland) Regulations 2022(4),
 - “the Best Start Foods Regulations” means the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019(5),
 - “the Child Disability Payment Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021(6),
 - “the Child Winter Heating Assistance Regulations” means the Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020(7),
 - “the Funeral Expense Assistance Regulations” means the Funeral Expense Assistance (Scotland) Regulations 2019(8),
 - “the Scottish Child Payment Regulations” means the Scottish Child Payment Regulations 2020(9), and
 - “the Young Carer Grants Regulations” means the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019(10).

Amendment of the Adult Disability Payment Regulations

- 2.—(1) The Adult Disability Payment Regulations are amended as follows.
- (2) In regulation 34 (amount and form of Adult Disability Payment)—
 - (a) in paragraph (1)(a), for “£60.00” substitute “£61.85”,
 - (b) in paragraph (1)(b), for “£89.60” substitute “£92.40”,
 - (c) in paragraph (2)(a), for “£23.70” substitute “£24.45”, in paragraph (2)(b), for “£62.55” substitute “£64.50”.

Amendment of the Best Start Foods Regulations

- 3.—(1) The Best Start Foods Regulations are amended as follows.
- (2) In regulation 10(1)(11) (kinds of assistance)—
 - (a) in sub-paragraph (a), for “£16,480” substitute “£17,005”,
 - (b) in sub-paragraph (b)(i), for “£7,500” substitute “£7,920”,
 - (c) in sub-paragraph (c), for “£317” substitute “£328”,
 - (d) in sub-paragraph (h), in each place where it occurs for “£625” substitute “£660”.

Amendment of the Child Disability Payment Regulations

- 4.—(1) The Child Disability Payment Regulations are amended as follows.
- (2) In regulation 23 (amount and form of Child Disability Payment)—

(4) S.S.I. 2022/XXX.
(5) S.S.I. 2019/193.
(6) S.S.I. 2021/174.
(7) S.S.I. 2020/352.
(8) S.S.I. 2019/292.
(9) S.S.I. 2020/351.
(10) S.S.I. 2019/324.
(11) As relevantly amended by S.S.I. 2021/221.

- (a) in paragraph (1)(a), for “£89.60” substitute “£92.40”,
- (b) in paragraph (1)(b), for “£60.00” substitute “£61.85”,
- (c) in paragraph (1)(c), for “£23.70” substitute “£24.45”,
- (d) in paragraph (2)(a), for “£62.55” substitute “£64.50”, in paragraph (2)(b), for “£23.70” substitute “£24.45”.

Amendment of the Child Winter Heating Assistance Regulations

5.—(1) The Child Winter Heating Assistance Regulations are amended as follows.

(2) In regulation 10(1)(12) (value of child winter heating assistance), for “£202” substitute “£212.10”.

Amendment of the Funeral Expense Assistance Regulations

6.—(1) The Funeral Expense Assistance Regulations are amended as follows.

(2) In regulation 13(13) (amount of funeral expense assistance)—

- (a) in paragraph (1)(b), for “£1010” substitute “£1,041.30”,
- (b) in paragraph (4)(b), for “£20.55” substitute “£21.20”,
- (c) in paragraph (6), for “£123.25” substitute “£127.05”.

Amendment of the Scottish Child Payment Regulations

7.—(1) The Scottish Child Payment Regulations are amended as follows.

(2) In regulation 20(1) (value and form of a Scottish child payment), for “£10” substitute “£20”.

Amendment of the Young Carer Grants Regulations

8.—(1) The Young Carer Grants Regulations are amended as follows.

(2) In regulation 12(1)(14) (amount and form of young carer grants), for “£308.15” substitute “£317.70”.

Saving Provisions

9. The schedule has effect.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

(12) As relevantly amended by [S.S.I. 2021/170](#) and [S.S.I. 2021/415](#).

(13) As relevantly amended by [S.S.I. 2020/99](#) and [S.S.I. 2021/170](#).

(14) As relevantly amended by [S.S.I. 2020/475](#) and [S.S.I. 2021/170](#).

SCHEDULE

Regulation 9

Saving Provisions

Adult Disability Payment Regulations

1.—(1) Where sub-paragraph (2) applies to an individual, regulation 34(1)(a), (1)(b), (2)(a) and (2)(b) of the Adult Disability Payment Regulations continue to have effect on and after 11 April 2022 in relation to the amount of assistance to be given to that individual described in sub-paragraph (2) as it did immediately before that date.

(2) This sub-paragraph applies where part of an individual's determination of entitlement includes an award for the period on or after 21 March 2022 and before the 11 April 2022.

Child Disability Payment Regulations

2.—(1) Where sub-paragraph (2) applies to an individual, regulation 23(1)(a), (1)(b), (1)(c), (2)(a) and (2)(b) of the Child Disability Payment Regulations continue to have effect on and after 11 April 2022 in relation to the amount of assistance to be given to that individual described in sub-paragraph (2) as it did immediately before that date.

(2) This sub-paragraph applies where part of an individual's determination of entitlement includes an award for the period on or after 26 July 2021 and before the 11 April 2022.

Child Winter Heating Assistance Regulations

3.—(1) Where sub-paragraph (2) applies to an individual, regulation 10(1) of the Child Winter Heating Regulations⁽¹⁵⁾ has effect on and after 1 April 2022 in relation to the amount of assistance to be given to that individual as it did during the qualifying week in respect of which the individual is entitled to be paid child winter heating assistance.

(2) This sub-paragraph applies where the individual is entitled to be paid child winter heating assistance in respect of a qualifying week occurring before these Regulations first came into force.

(3) In this paragraph, “child winter heating assistance” and “qualifying week” have the meanings given in regulation 2 of the Child Winter Heating Regulations.

Funeral Expense Assistance Regulations

4.—(1) Where sub-paragraph (2) applies to an individual, regulation 13(1)(b), (4)(b) and (6) of the Funeral Expense Assistance Regulations⁽¹⁶⁾ continue to have effect on and after 1 April 2022 in relation to the amount of assistance to be given to that individual as they did immediately before that date.

(2) This sub-paragraph applies where the individual's application for assistance under the Funeral Expense Assistance Regulations was made before 1 April 2022.

(3) In this paragraph, reference to the individual's application being made is to be construed in accordance with regulation 3 (applications) of the Funeral Expense Assistance Regulations.

Scottish Child Payment Regulations

5.—(1) Where sub-paragraph (2) applies to an individual, regulation 20(1) of the Scottish Child Payment Regulations continues to have effect on and after 1 April 2022 in relation to the amount of

⁽¹⁵⁾ S.S.I. 2020/352, as relevantly amended by S.S.I. 2021/170 and S.S.I. 2021/415.

⁽¹⁶⁾ S.S.I. 2019/292, as relevantly amended by S.S.I. 2021/170.

assistance to be given to that individual described in sub-paragraph (2) as it did immediately before that date.

(2) This sub-paragraph applies where part of an individual's determination of entitlement includes an award for the period on or after 9 November 2020 and before 1 April 2022.

Young Carer Grants Regulations

6.—(1) Where sub-paragraph (2) applies to an individual, regulation 12(1) of the Young Carer Grants Regulations⁽¹⁷⁾ continues to have effect on and after 1 April 2022 in relation to the amount of assistance to be given to that individual as it did immediately before that date.

(2) This sub-paragraph applies where the individual's application for assistance under the Young Carer Grants Regulations was made before 1 April 2022.

(3) In this paragraph, reference to the individual's application being made is to be construed in accordance with regulation 4 (making of applications) of the Young Carer Grants Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for an increase in various values of forms of assistance payable by virtue of regulations made under the Social Security (Scotland) Act 2018 and make other amendments to the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019. The Regulations come into force on 1 April 2022, with the exception of regulations 2 and 4, which come into force on 11 April 2022.

Regulation 2 increases the value of Adult Disability Payment payable under the Disability Assistance for Working Age People (Scotland) Regulations 2022. Paragraph 1 of the schedule makes saving provision so that the previous value of this assistance is still payable in certain circumstances.

Regulation 3 increases the thresholds below which qualifying forms of assistance allow relevant persons to qualify for the Best Start Foods scheme under the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019.

Regulation 4 increases the value of Child Disability Payment payable under the Disability Assistance for Children and Young People (Scotland) Regulations 2021. Paragraph 2 of the schedule makes saving provision so that the previous value of this assistance is still payable in certain circumstances.

Regulation 5 increases the amount of child winter heating assistance payable under the Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020. Paragraph 3 of the schedule makes saving provision so that the previous value of this assistance is still payable in certain circumstances.

Regulation 6 increases the amounts of funeral expense assistance payable under the Funeral Expense Assistance (Scotland) Regulations 2019. Paragraph 4 of the schedule makes saving provision so that the previous values of this assistance are still payable in certain circumstances.

Regulation 7 increases the value of Scottish Child Payment payable under the Scottish Child Payment Regulations 2020. Paragraph 5 of the schedule makes saving provision so that the previous value of this assistance is still payable in certain circumstances.

(17) [S.S.I. 2019/324](#), as relevantly amended by [S.S.I. 2020/475](#) and [S.S.I. 2021/170](#).

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022* ISBN 978-0-11-105411-6

Regulation 8 increases the value of Young Carer Grant payable under the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019. Paragraph 6 of the schedule makes saving provision so that the previous value of this grant is still payable in certain circumstances.

Regulation 9 gives effect to the schedule.