

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

2024 No.

SOCIAL SECURITY

**The Social Security (Up-rating) (Miscellaneous
Amendments) (Scotland) Regulations 2024**

Made - - - - 2024

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 13(1) of the Social Security Act 1988(1), section 70(8) of the Social Security Contributions and Benefits Act 1992(2), sections 28(2), 30(2), 31(2), 32(2), 34(2), 79(1) and 95 of the Social Security (Scotland) Act 2018(3) and all other powers enabling them to do so.

In accordance with section 13(2) of the Social Security Act 1988, they have consulted with the Welsh Ministers(4).

In accordance with section 97(2) of the Social Security (Scotland) Act 2018, 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.

In accordance with section 96(2) of the Social Security (Scotland) Act 2018(5), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

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- (1) 1988 c. 7 (“the 1988 Act”). 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”). Section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992 (c. 4) applies to the power to make regulations under section 13 of the 1988 Act by virtue of section 15A(1) of that Act. Section 15A(1) of the 1988 Act was inserted by paragraph 8(10) of schedule 6 of the Social Security Act 1990 (c. 27) and was amended by paragraph 96 of schedule 2 of the Social Security (Consequential Provisions) Act 1992. 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) (“the 1998 Act”) as read with sections 27(2) and 32 of the 2016 Act.
 - (2) 1992 c. 4 (“the 1992 Act”). Section 175(1) provides that the power to make regulations under the 1992 Act is to be exercised by the Secretary of State. The Secretary of State’s function under section 70(8) transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act as read with sections 22(2) and 32 of the 2016 Act. The requirement to consult the Social Security Advisory Committee under section 172 of the Social Security Administration Act 1992 (c. 5) does not apply to the Scottish Ministers by virtue of section 33 of the 2016 Act.
 - (3) 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.
 - (4) 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 of that Act.
 - (5) Section 96(2), to which there are amendments not relevant to these Regulations.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2024 No. 105*
