

Draft Order laid before the Scottish Parliament under sections 150(2), 150A(2) and 190(1)(a) of the Social Security Administration Act 1992 for approval by resolution of the Scottish Parliament

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2024 No.

SOCIAL SECURITY

The Social Security Up-rating (Scotland) Order 2024

Made - - - - 2024
Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 150(9) and 150A(6) of the Social Security Administration Act 1992(1) and all other powers enabling them to do so.

As required by section 150(1)(a)(i), (b) and (o)(2) of that Act, the Scottish Ministers have carried out a review and it appeared to them that the general level of prices was greater at the end of the period under review than it was at the beginning of the period.

As required by section 150A(1)(c) of that Act, the Scottish Ministers have also carried out a review and it appeared to them that the general level of earnings was greater at the end of the period under review than it was at the beginning of the period.

In accordance with sections 150(2), 150A(2) and 190(1)(a)(3) of that Act a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

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- (1) 1992 (c. 5) (“the Administration Act”). Section 150A was inserted by section 5(1) of the Pensions Act 2007 (c. 22). The function under sections 150 and 150A of the Administration Act of making an order to up-rate or re-state the rate of carer’s, disability and industrial injuries benefits transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46) as read with sections 22(2) and 32 of the Scotland Act 2016 (c. 11). Section 189(1), (4) and (5) of the Administration Act make provision about the exercise of the powers conferred by that Act. Section 189(8) of the Administration Act provides that an order under section 150 or 150A shall not be made without the consent of the Treasury. The requirement for Scottish Ministers to obtain Treasury consent was removed by section 55 of the Scotland Act 1998. Sections 150(8) and 150A(5) of the Administration Act require that a copy of a report by the Government Actuary or the Deputy Government Actuary giving that Actuary’s opinion on the likely effect on the National Insurance Fund of such parts of the order as relate to sums payable out of that Fund, is laid with the relevant order. This Order makes no changes regarding sums payable out of that Fund and accordingly no report from the Government Actuary or Deputy Government Actuary requires to be laid with this order.
- (2) Paragraph (a)(i) was substituted by section 6(2)(a) of the Pensions Act 2007 (c. 22) and paragraph (o) was inserted by paragraph 17 of schedule 9 of the Welfare Reform Act 2012 (c. 5). The benefits which must be uprated are specified in section 150(3)(a) of the Administration Act. Section 150(3)(a) was relevantly amended by section 9(4) of the Social Security (Incapacity for Work) Act 1994 (c. 18) and section 6(3)(a) of the Pensions Act 2007 (c. 22).
- (3) Section 190(1)(a) was relevantly amended by section 30(1)(a) and paragraph 30 of schedule 1 of the Pensions Act 2007 (c. 22).