

2018 No. 250 (C. 17)

SOCIAL SECURITY

**The Social Security (Scotland) Act 2018 (Commencement
No. 1) Regulations 2018**

<i>Made</i>	- - - -	<i>14th August 2018</i>
<i>Laid before the Scottish Parliament</i>		<i>16th August 2018</i>
<i>Coming into force</i>	- -	<i>3rd September 2018</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 99(2) and (3) of the Social Security (Scotland) Act 2018(a).

Citation and commencement

1. These Regulations may be cited as the Social Security (Scotland) Act 2018 (Commencement No. 1) Regulations 2018 and come into force on 3rd September 2018.

Appointed day

2.—(1) The day appointed for the coming into force of sections 81 to 85 (carer's allowance: temporary provision, inalienability of assistance and information-sharing) of the Social Security (Scotland) Act 2018 is 3rd September 2018.

(2) That day is also appointed for section 76 (code of practice on investigations) of that Act to come into force, but only so far as is necessary for the purpose of enabling the Scottish Ministers to consult publicly on a draft code of practice as required by section 76(3) and to publish a code of practice.

Saving provision

3. Nothing in regulation 2 brings a provision into force for any purpose within exception 1 in Section F1 (benefits for disability and industrial injury) in Part 2 of schedule 5 of the Scotland Act 1998(b).

S SOMERVILLE

A member of the Scottish Government

St Andrew's House,
Edinburgh
14th August 2018

(a) 2018 asp 9.

(b) 1998 c.46. Section F1 was amended by sections 22 to 28 of the Scotland Act 2016 (c.11); of particular relevance to these Regulations is section 22(2) which inserted exception 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring sections 81 to 85 of the Social Security (Scotland) Act 2018 (“the 2018 Act”) into force on 3rd September 2018. They also partially commence section 76 of the 2018 Act from that date.

Section 81 provides for payment twice-yearly of a carer’s allowance supplement. It will be paid to persons who, on qualifying dates, are in receipt of a social security benefit, carer’s allowance, and who are resident on those dates in Scotland.

Section 82 is a consequential power that allows the Scottish Ministers to repeal both that section and section 81.

Sections 83 makes void any assignation or charge on social security assistance under the 2018 Act, or any agreement to assign or charge such assistance. Section 84 provides for how such assistance is to be treated in certain situations, including in the event of a person being sequestered.

Section 85 makes provision, amongst other things, for the Scottish Ministers to require provision of information from specified persons in connection with the Ministers’ social security functions.

Section 76 requires the Scottish Ministers to publish a code of practice in relation to fraud investigations. Regulation 2(2) commences that section so far as necessary for the Scottish Ministers to consult publicly on such a code and publish it.

Regulation 3 makes saving provision. This is to ensure that the commencement of sections 81 to 85, and 76, has no effect on the arrangements made by regulation 4(2)(a) of the Scotland Act 2016 (Transitional) Regulations 2017 (S.I. 2017/444). Those arrangements delay, for a transitional period, the transfer to the Scottish Ministers of the Secretary of State’s functions in relation to certain disability and industrial injury benefits.

The Bill for the 2018 Act received Royal Assent on 1st June 2018. Part 7 of the 2018 Act (sections 95 to 100: final provisions) came into force the following day.

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