

2024 No. 105

SOCIAL SECURITY

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

Made - - - - *27th March 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(a), section 70(8) of the Social Security Contributions and Benefits Act 1992(b), sections 28(2), 30(2), 31(2), 32(2), 34(2), 79(1) and 95 of the Social Security (Scotland) Act 2018(c) 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(d).

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(e), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

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- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) Section 96(2), to which there are amendments not relevant to these Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2024.

(2) Subject to paragraphs (3) and (4), these Regulations come into force on 1 April 2024.

(3) Regulation 7 comes into force on 7 April 2024.

(4) Regulations 2, 3 and 8 come into force on 8 April 2024.

(5) In these Regulations—

“the Adult Disability Payment Regulations” means the Disability Assistance for Working Age People (Scotland) Regulations 2022(a),

“the Adult Disability Payment Transitional Regulations” means the Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022(b),

“the Best Start Foods Regulations” means the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019(c),

“the Best Start Grants Regulations” means the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018(d),

“the Carer’s Allowance Regulations” means the Social Security (Invalid Care Allowance) Regulations 1976(e),

“the Carer Support Payment Regulations” means the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023(f),

“the Child Disability Payment Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021(g),

“the Child Winter Heating Payment Regulations” means the Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020(h),

“the Funeral Support Payment Regulations” means the Funeral Expense Assistance (Scotland) Regulations 2019(i),

“the Scottish Child Payment Regulations” means the Scottish Child Payment Regulations 2020(j),

“the Winter Heating Payment Regulations” means the Winter Heating Assistance (Low Income) (Scotland) Regulations 2023(k),

“the Young Carer Grants Regulations” means the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019(l).

Amendment of the Adult Disability Payment Regulations

2. In regulation 34 (amount and form of Adult Disability Payment)(m) of the Adult Disability Payment Regulations—

(a) in paragraph (1)(a), for “£68.10” substitute “£72.65”,

(b) in paragraph (1)(b), for “£101.75” substitute “£108.55”,

(a) S.S.I. 2022/54, relevantly amended by S.S.I. 2023/111.

(b) S.S.I. 2022/217, relevantly amended by S.S.I. 2023/111.

(c) S.S.I. 2019/193, relevantly amended by S.S.I. 2023/371.

(d) S.S.I. 2018/370, relevantly amended by S.S.I. 2019/157, S.S.I. 2022/336 and S.S.I. 2023/111.

(e) S.I. 1976/409, relevantly amended by S.I. 1996/2744, S.I. 2002/2497 and S.S.I. 2023/111.

(f) S.S.I. 2023/302, to which there are amendments not relevant to these Regulations.

(g) S.S.I. 2021/174, relevantly amended by S.S.I. 2022/41 and S.S.I. 2023/111.

(h) S.S.I. 2020/352, relevantly amended by S.S.I. 2021/415 and S.S.I. 2023/111.

(i) S.S.I. 2019/292, relevantly amended by S.S.I. 2020/99 and S.S.I. 2023/111.

(j) S.S.I. 2020/351, relevantly amended by S.S.I. 2022/336.

(k) S.S.I. 2023/16, amended by S.S.I. 2023/111.

(l) S.S.I. 2019/324, relevantly amended by S.S.I. 2020/475 and S.S.I. 2023/111.

(m) Regulation 34 was relevantly amended by S.S.I. 2023/111.

- (c) in paragraph (2)(a), for “£26.90” substitute “£28.70”,
- (d) in paragraph (2)(b), for “£71.00” substitute “£75.75”.

Amendment of the Adult Disability Payment Transitional Regulations

3. In regulation 6(1) (amount and form and time of payment of Adult Disability Payment)(a) of the Adult Disability Payment Transitional Regulations, for “£26.90” substitute “£28.70”.

Amendment of the Best Start Foods Regulations

4. In regulation 13(1) (value of benefit)(b) of the Best Start Foods Regulations, for “£4.95” substitute “£5.30”.

Amendment of the Best Start Grants Regulations

5.—(1) The Best Start Grants Regulations are amended as follows.

(2) In schedule 2 (pregnancy and baby grant)—

(a) in paragraph 6(1) (basic amount)(c)—

- (i) in head (a), for “£707.25” substitute “£754.65”,
- (ii) in head (b), for “£353.65” substitute “£377.35”,

(b) in paragraph 7(1) (multiple pregnancy supplement)(d), for “£353.65” substitute “£377.35”.

(3) In paragraph 4 (value of grant) of schedule 3 (early learning grant)(e), for “£294.70” substitute “£314.45”.

(4) In paragraph 5 (value of grant) of schedule 4 (school-age grant)(f), for “£294.70” substitute “£314.45”.

Amendment of the Carer’s Allowance Regulations

6. In regulation 8(1) (circumstances in which a person is or is not to be treated as gainfully employed)(g) of the Carer’s Allowance Regulations, for “£139”, in both places where it occurs, substitute “£151”.

Amendment of the Carer Support Payment Regulations

7.—(1) The Carer Support Payment Regulations are amended as follows.

(2) In regulation 14(1) (earnings limit), for “£139” substitute “£151”.

(3) In regulation 16(1) (amount and form of Carer Support Payment), for “£76.75” substitute “£81.90”.

Amendment of the Child Disability Payment Regulations

8. In regulation 23 (amount and form of Child Disability Payment)(h) of the Child Disability Payment Regulations—

(a) in paragraph (1)(a), for “£101.75” substitute “£108.55”,

(a) Regulation 6 was amended by S.S.I. 2023/111.

(b) Regulation 13 was relevantly amended by S.S.I. 2023/371.

(c) Paragraph 6 of schedule 2 was relevantly amended by S.S.I. 2022/336 and S.S.I. 2023/111.

(d) Paragraph 7 of schedule 2 was relevantly amended by S.S.I. 2023/111.

(e) Schedule 3 was inserted by S.S.I. 2019/157. Paragraph 4 was relevantly amended by S.S.I. 2023/111.

(f) Schedule 4 was inserted by S.S.I. 2019/157. Paragraph 5 was relevantly amended by S.S.I. 2023/111.

(g) Regulation 8 was relevantly amended by S.I. 1996/2744, S.I. 2002/2497 and S.S.I. 2023/111.

(h) Regulation 23 was relevantly amended by S.S.I. 2022/41 and S.S.I. 2023/111.

- (b) in paragraph (1)(b), for “£68.10” substitute “£72.65”,
- (c) in paragraph (1)(c), for “£26.90” substitute “£28.70”,
- (d) in paragraph (2)(a), for “£71.00” substitute “£75.75”,
- (e) in paragraph (2)(b), for “£26.90” substitute “£28.70”.

Amendment of the Child Winter Heating Payment Regulations

9. In regulation 10(1) (value and form of child winter heating assistance)(a) of the Child Winter Heating Payment Regulations, for “£235.70” substitute “£251.50”.

Amendment of the Funeral Support Payment Regulations

10. In regulation 13 (amount of funeral expense assistance)(b) of the Funeral Support Payment Regulations—

- (a) in paragraph (1)(b), for “£1,178.75” substitute “£1,257.75”,
- (b) in paragraph (4)(b), for “£23.75” substitute “£25.35”,
- (c) in paragraph (6), for “£143.85” substitute “£153.50”.

Amendment of the Scottish Child Payment Regulations

11. In regulation 20(1) (value and form of a Scottish child payment)(c) of the Scottish Child Payment Regulations, for “£25.00” substitute “£26.70”.

Amendment of the Winter Heating Payment Regulations

12. In regulation 9(1) (value and form of winter heating payment)(d) of the Winter Heating Payment Regulations, for “£55.05” substitute “£58.75”.

Amendment of the Young Carer Grants Regulations

13. In regulation 12(1) (amount and form of young carer grants)(e) of the Young Carer Grants Regulations, for “£359.65” substitute “£383.75”.

Saving and transitional provisions

14. The saving and transitional provisions in the schedule have effect.

SHIRLEY-ANNE SOMERVILLE
A member of the Scottish Government

St Andrew’s House,
Edinburgh
27th March 2024

(a) Regulation 10 was relevantly amended by S.S.I. 2021/415 and S.S.I. 2023/111.
(b) Regulation 13 was relevantly amended by S.S.I. 2020/99 and S.S.I. 2023/111.
(c) Regulation 20 was relevantly amended by S.S.I. 2022/336.
(d) Regulation 9 was amended by S.S.I. 2023/111.
(e) Regulation 12 was relevantly amended by S.S.I. 2020/475 and S.S.I. 2023/111.

SCHEDULE

Regulation 14

Saving and transitional provisions

Adult Disability Payment Regulations

1.—(1) This paragraph applies where an individual's determination of entitlement includes an award for the period on or after 10 April 2023 and before 8 April 2024.

(2) Despite regulation 2, regulation 34 of the Adult Disability Payment Regulations continues to have effect on and after 8 April 2024 as it did immediately before that date in respect of the period mentioned in sub-paragraph (1).

Adult Disability Payment Transitional Regulations

2.—(1) This paragraph applies where an individual's determination of entitlement includes an award for the period on or after 10 April 2023 and before 8 April 2024.

(2) Despite regulation 3, regulation 6 of the Adult Disability Payment Transitional Regulations continues to have effect on and after 8 April 2024 as it did immediately before that date in respect of the period mentioned in sub-paragraph (1).

Best Start Foods Regulations

3.—(1) This paragraph applies where an individual's entitlement to benefit includes an award for the period on or after 3 April 2023 and before 1 April 2024.

(2) Despite regulation 4, regulation 10 of the Best Start Foods Regulations continues to have effect on and after 1 April 2024 as it did immediately before that date in respect of the period mentioned in sub-paragraph (1).

Best Start Grants Regulations

4.—(1) This paragraph applies where an individual's application for assistance was made on or after 1 April 2023 and before 1 April 2024.

(2) Despite regulation 5, paragraphs 6 and 7 of schedule 2 of the Best Start Grants Regulations continue to have effect on and after 1 April 2024 as they did immediately before that date for the purpose of determining the amount of assistance to which the individual is entitled.

(3) Despite regulation 5, paragraph 4 of schedule 3 and paragraph 5 of schedule 4 of the Best Start Grants Regulations continue to have effect on and after 1 April 2024 as they did immediately before that date for the purpose of determining the value of assistance to which the individual is entitled.

Carer Support Payment Regulations

5.—(1) This paragraph applies where an individual's application for assistance was made on or after 19 November 2023 and before 7 April 2024.

(2) Despite regulation 7, regulations 14(1) and 16(1) of the Carer Support Payment Regulations continue to have effect on and after 7 April 2024 as they did immediately before that date in respect of the period mentioned in sub-paragraph (1).

Child Disability Payment Regulations

6.—(1) This paragraph applies where an individual's determination of entitlement includes an award for the period on or after 10 April 2023 and before 8 April 2024.

(2) Despite regulation 8, regulation 23 of the Child Disability Payment Regulations continues to have effect on and after 8 April 2024 as it did immediately before that date in respect of the period mentioned in sub-paragraph (1).

Child Winter Heating Payment Regulations

7.—(1) This paragraph applies where an individual is entitled to be paid child winter heating assistance in respect of a qualifying week occurring on or after 1 April 2023 and before 1 April 2024.

(2) Despite regulation 9, regulation 10 of the Child Winter Heating Payment Regulations continues to have effect on and after 1 April 2024 as it did immediately before that date for the purpose of determining the value of assistance to which the individual is entitled in respect of the qualifying week mentioned in sub-paragraph (1).

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

Funeral Support Payment Regulations

8.—(1) This paragraph applies where an individual’s application for assistance was made on or after 1 April 2023 and before 1 April 2024.

(2) Despite regulation 10, regulation 13 of the Funeral Support Payment Regulations continues to have effect on and after 1 April 2024 as it did immediately before that date for the purpose of determining the amount of assistance to which the individual is entitled.

Scottish Child Payment Regulations

9.—(1) This paragraph applies where part of an individual’s determination of entitlement includes an award for the period on or after 1 April 2023 and before 1 April 2024.

(2) Despite regulation 11, regulation 20(1) of the Scottish Child Payment Regulations continues to have effect on and after 1 April 2024 as it did immediately before that date in respect of the period mentioned in sub-paragraph (1).

Winter Heating Payment Regulations

10.—(1) This paragraph applies where an individual is entitled to be paid winter heating payment in respect of a qualifying week occurring on or after 1 April 2023 and before 1 April 2024.

(2) Despite regulation 12, regulation 9 of the Winter Heating Payment Regulations continues to have effect on and after 1 April 2024 as it did immediately before that date for the purpose of determining the value of assistance to which the individual is entitled in respect of the qualifying week mentioned in sub-paragraph (1).

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

Young Carer Grants Regulations

11.—(1) This paragraph applies where an individual’s application for assistance was made on or after 1 April 2023 and before 1 April 2024.

(2) Despite regulation 13, regulation 12 of the Young Carer Grants Regulations continues to have effect on and after 1 April 2024 as it did immediately before that date for the purpose of determining the amount of assistance to which the individual is entitled.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for an increase in various values and amounts of forms of assistance payable by virtue of regulations made under the Social Security (Scotland) Act 2018 and make amendments to the Social Security (Invalid Care Allowance) Regulations 1976, and the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019. The Regulations come into force on 1 April 2024 with the exception of regulations 2, 3 and 8, which come into force on 8 April 2024 and regulation 7 which comes into force on 7 April 2024.

Regulation 2 increases the amount 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 amount of this assistance is still payable in certain circumstances.

Regulation 3 increases the amount of a transitional rate of Adult Disability Payment payable under the Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022. Paragraph 2 of the schedule makes saving provision so that the previous amount of this assistance is still payable in certain circumstances.

Regulation 4 increases the value of the basic rate of Best Start Foods benefit under the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019. Paragraph 3 of the schedule make transitional provision so that the previous values of this assistance are still payable in certain circumstances.

Regulation 5 increases the amount of the pregnancy and baby grant payable under the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018. Regulation 5 also increases the value of the early learning grant and the school-age grant, payable under those Regulations. Paragraph 4 of the schedule makes saving provision so that the previous values or amount of this assistance are still payable in certain circumstances.

Regulation 6 amends regulation 8 of the Social Security (Invalid Care Allowance) Regulations 1976 (“the 1976 Regulations”) to increase the amount that a person eligible for payment of carer’s allowance from the Scottish Ministers can earn in a given week without being deemed to be gainfully employed and, therefore, losing their entitlement to carer’s allowance. The Social Security Amendment (Carer’s Allowance) Regulations 2002 replaces references to “Invalid Care Allowance” with references to “Carer’s Allowance” in certain legislative provisions, but “Invalid Care Allowance” remains part of the title of the 1976 Regulations for statutory purposes.

Regulation 7 amends regulation 14 of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (the Carer Support Payment Regulations) to increase the earnings limit for payment of carer support payment. Regulation 7 also increases the amount of carer support payment payable under regulation 16 of the Carer Support Payment Regulations. Paragraph 5 of the schedule makes saving provision so that the previous amount of this assistance is still payable in certain circumstances.

Regulation 8 increases the amount of Child Disability Payment payable under the Disability Assistance for Children and Young People (Scotland) Regulations 2021. Paragraph 6 of the schedule makes saving provision so that the previous amount of this assistance is still payable in certain circumstances.

Regulation 9 increases the value of child winter heating payment payable under the Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020. Paragraph 7 of the schedule makes saving provision so that the previous value of this assistance is still payable in certain circumstances.

Regulation 10 increases the amounts of funeral expense assistance payable under the Funeral Expense Assistance (Scotland) Regulations 2019. Paragraph 8 of the schedule makes saving provision so that the previous amounts of this assistance are still payable in certain circumstances.

Regulation 11 increases the value of Scottish Child Payment payable under the Scottish Child Payment Regulations 2020. Paragraph 9 of the schedule makes saving provision so that the previous value of this assistance is still payable in certain circumstances.

Regulation 12 increases the value of winter heating payment payable under the Winter Heating Assistance (Low Income) (Scotland) Regulations 2023. Paragraph 10 of the schedule makes saving provision so that the previous value of this assistance is still payable in certain circumstances.

Regulation 13 increases the amount of Young Carer Grant payable under the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019. Paragraph 11 of the schedule makes saving provision so that the previous value of this grant is still payable in certain circumstances.

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