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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. [\*]**

**SOCIAL SECURITY**

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

*Made* - - - - - \*\*\*

*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), 31(2), 34(2) and 79 of the Social Security (Scotland) Act 2018(a) and section 13 of the Social Security Act 1988(b) and all other powers enabling them to do so.

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.

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.

In accordance with section 13(2) of the Social Security Act 1988, the Scottish Ministers have consulted the National Assembly for Wales.

**Citation, commencement and interpretation**

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

(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(c),

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(a) 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.

(b) 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.

(c) S.S.I. 2022/[\*\*\*].

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

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

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

“the Funeral Expense Assistance Regulations” means the Funeral Expense Assistance (Scotland) Regulations 2019(d),

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

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

### **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”, and
- (d) 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)(g) (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”, and
- (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)—

- (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”, and
- (e) in paragraph (2)(b), for “£23.70” substitute “£24.45”.

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(a) S.S.I. 2019/193.  
(b) S.S.I. 2021/174.  
(c) S.S.I. 2020/352.  
(d) S.S.I. 2019/292.  
(e) S.S.I. 2020/351.  
(f) S.S.I. 2019/324.  
(g) As relevantly amended by S.S.I. 2021/221.

### **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)(a) (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(b) (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”, and

(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)(c) (amount and form of young carer grants), for “£308.15” substitute “£317.70”.

### **Saving Provisions**

9. The Schedule has effect.

*Name*  
Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
Date

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(a) As relevantly amended by S.S.I. 2021/170.

(b) As relevantly amended by S.S.I. 2020/99 and S.S.I. 2021/170.

(c) As relevantly amended by S.S.I. 2020/99, S.S.I. 2020/475 and S.S.I. 2021/170.

## SCHEDULE

Regulation 8

### Saving Provisions

#### **Funeral Expense Assistance Regulations**

**10.**—(1) Where sub-paragraph (2) applies to an individual, regulation 13(1)(b), (4)(b) and (6) of the Funeral Expense Assistance Regulations(**a**) 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.

#### **Young Carer Grants Regulations**

**11.**—(1) Where sub-paragraph (2) applies to an individual, regulation 12(1) of the Young Carer Grants Regulations(**b**) 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.

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(a) S.S.I. 2019/292, as relevantly amended by S.S.I. 2020/99 and S.S.I. 2021/170.

(b) S.S.I. 2019/324, as relevantly amended by S.S.I. 2020/99, S.S.I. 2020/475 and S.S.I. 2021/170.

## **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.

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.

Regulation 5 increases the amount of child winter heating assistance payable under the Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020.

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.

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 and the schedule make saving provision.