



Scottish  
Commission  
on Social  
Security

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30 June 2023

Shirley-Anne Somerville MSP  
Cabinet Secretary for Social Justice,  
Scottish Government

**By email only**

Dear Cabinet Secretary,

Thank you for your letter of 10 May 2023 regarding the Social Security (Residence Requirements) (Sudan) (Scotland) Regulations 2023. As you will be aware, the Scottish Commission on Social Security is required by the Social Security (Scotland) Act 2018 to report on any matter referred to us, within our remit, by Scottish Ministers. This letter satisfies the reporting requirements of the 2018 Act in relation to the Social Security (Residence Requirements) (Sudan) (Scotland) Regulations 2023 [hereafter 'the Regulations'].

The SCoSS Board notes that the rationale for retrospective scrutiny of the Regulations was the urgent need to implement new, expedited Regulations to support people from Sudan arriving in Scotland as a result of the escalating violence in the country. We fully understand and accept the need for this approach. In addition, we also recognise that Regulations were required to mirror emergency legislation being taken forward by the UK Government in order to ensure parity of access to benefits in Scotland for which Scottish Ministers have responsibility.

The SCoSS Board discussed the Regulations with Scottish Government policy officials at our Board meeting on 31 May. At that meeting, officials assured the Board that the Regulations are essentially similar in scope and purpose to previous emergency Regulations scrutinised by SCoSS in relation to crisis situations in Afghanistan<sup>1</sup> and Ukraine<sup>2</sup>. From our own assessment of the Regulations we share this view. Accordingly, we have no formal observations or recommendations to make with regard to the Regulations.

The SCoSS Board does, however, note that reference to the Regulations was included in the most recent version of the draft Carer's Assistance (Carer Support

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<sup>1</sup> [Social Security \(Residence Requirements\) \(Afghanistan\) \(Scotland\) Regulations 2021: scrutiny report](#), November 2021.

<sup>22</sup> [The Social Security \(Residence Requirements\) \(Ukraine\) \(Scotland\) Regulations 2022: scrutiny report](#), September 2022.

Payment) (Scotland) Regulations 2023 recently scrutinised by SCoSS to ensure that individuals arriving in Scotland from Sudan who are eligible can receive Carer Support Payment once it has been introduced.

In summary, we wish to thank the Cabinet Secretary, and your officials, and state that we recognise the necessity for the approach taken with these emergency Regulations due to the particular circumstances.

Yours sincerely,



Judith Paterson  
Acting Co-Chair  
Scottish Commission  
on Social Security



Dr Mark Simpson  
Acting Co-Chair  
Scottish Commission  
on Social Security