

*Draft Regulations laid before the Scottish Parliament under section 96(2) of the Social Security (Scotland) Act 2018 for approval by resolution of the Scottish Parliament.*

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D R A F T   S C O T T I S H   S T A T U T O R Y   I N S T R U M E N T S

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**2024 No.**

**SOCIAL SECURITY**

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

*Made* - - - - *2024*

*Coming into force in accordance with regulation 1(2), (3)  
and (4)*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 13 of the Social Security Act 1988(a), section 70(8) of the Social Security Contributions and Benefits Act 1992(b) and 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 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.

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- (a) 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”). Section 15A of the Social Security Act 1988 was inserted by the Social Security Act 1990 (c. 27) and was relevantly amended by paragraph 96 of schedule 2 of the Social Security (Consequential Provisions) Act 1992. Section 15A(1) provides that section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992 (c. 4) apply in relation to the power to make regulations under section 13 of the Social Security Act 1988. 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 function of making regulations to prescribe the circumstances in which a person is or is not to be treated as gainfully employed, for the purpose of carer’s allowance created under section 70 of the Social Security Contributions and Benefits Act 1992 (“the 1992 Act”), 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. Section 22(2) of that Act inserted exceptions into the social security reservation in Head F1 of Part 2 of Schedule 5 of the 1998 Act relating to carer’s, disability and industrial injuries benefits. Section 22(2) was brought into force on 17 May 2017 by S.I. 2017/455, subject to transitional arrangements set out in S.I. 2017/444 which provided that pre-commencement functions would not transfer to the Scottish Ministers until the occurrence of a specified event or date. The transitional arrangements in respect of carer’s benefits were ended by the commencement of section 81 of the Social Security (Scotland) Act 2018 (asp 9) on 3 September 2018 (see S.S.I. 2018/250). The transitional arrangements in respect of disability benefits and industrial injuries benefits ended on 31 March 2020 (see regulation 4 of S.I. 2017/444). Accordingly, in so far as the functions under section 70 of the 1992 Act are exercisable within devolved competence, they are now exercisable by the Scottish Ministers instead of by the Secretary of State. The setting of relevant earnings limits falls within that responsibility. Section 122(1) of the 1992 Act contains a definition of the word “prescribe” relevant to the exercise of powers under which these Regulations are made. 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 Scotland Act 2016 (c. 11).
- (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. Section 79 was relevantly amended by the Social Security and Tribunal Membership (Scotland) Act 2020 (asp 18).

In accordance with section 13(2) of the Social Security Act 1988, they have consulted with the Welsh Ministers(a).

In accordance with section 96(2) of the Social Security (Scotland) Act 2018(b), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

### **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) Regulations 2, 3 and 8 come into force on 8 April 2024.

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

(5) In these Regulations—

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

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

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

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

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

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

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

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

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

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

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

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(a) 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 to that Act.

(b) Section 96(2) was amended by sections 5(8) and 14(4) of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (asp 18).

(c) S.S.I. 2022/54; relevant amending instruments are S.S.I. 2023/111.

(d) S.S.I. 2022/217; relevant amending instruments are S.S.I. 2023/111.

(e) S.S.I. 2019/193; relevant amending instruments are S.S.I. 2021/221, S.S.I. 2022/167, S.S.I. 2022/336, S.S.I. 2023/111 and S.S.I. 2023/371.

(f) S.S.I. 2018/370; relevant amending instruments are S.S.I. 2019/157, and S.S.I. 2023/111.

(g) S.I. 1976/409; relevant amending instruments are S.I. 1996/2744, S.I. 2002/2497 and S.S.I. 2023/111.

(h) S.S.I. 2023/302.

(i) S.S.I. 2021/174; relevant amending instruments are S.S.I. 2022/41 and S.S.I. 2023/111.

(j) S.S.I. 2020/352; relevant amending instruments are S.S.I. 2021/415 and S.S.I. 2023/111.

(k) S.S.I. 2019/292; relevant amending instruments are S.S.I. 2023/111.

(l) S.S.I. 2020/351; relevant amending instruments are S.S.I. 2023/111.

(m) S.S.I. 2023/16; amended by S.S.I. 2023/111.

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

### **Amendment of the Adult Disability Payment Regulations**

2.—(1) The Adult Disability Payment Regulations are amended as follows.

(2) In regulation 34(b) (amount and form of Adult Disability Payment)—

- (a) in paragraph (1)(a), for “£68.10” substitute “£72.65”,
- (b) in paragraph (1)(b), for “£101.75” substitute “£108.55”,
- (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)(c) (amount and form and time of payment of Adult Disability Payment) 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)(d) (value of benefit) 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—

(a) in paragraph 6(1)(e) (basic amount of pregnancy and baby grant)—

- (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)(f) (multiple pregnancy supplement), for “£353.65” substitute “£377.35”.

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

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

### **Amendment of the Carer’s Allowance Regulations**

6. In regulation 8(1)(i) (circumstances in which a person is or is not to be treated as gainfully employed) of the Carer’s Allowance Regulations, for “£139”, in both places where it occurs, substitute “£151.00”.

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- (a) S.S.I. 2019/324; relevant amending instruments are S.S.I. 2020/475 and S.S.I. 2023/111.
  - (b) Regulation 34 was amended by S.S.I. 2023/111.
  - (c) Regulation 6 was amended by S.S.I. 2023/111.
  - (d) Regulation 13 was amended by S.S.I. 2021/221, S.S.I. 2022/167, S.S.I. 2023/111 and S.S.I. 2023/371.
  - (e) Paragraph 6 of schedule 2 was amended by S.S.I. 2023/111.
  - (f) Paragraph 7 of schedule 2 was amended by S.S.I. 2023/111.
  - (g) Paragraph 4 of schedule 3 was inserted by S.S.I. 2019/157 and was amended by S.S.I. 2023/111.
  - (h) Paragraph 5 of schedule 4 was inserted by S.S.I. 2019/157 and was amended by S.S.I. 2023/111.
  - (i) Regulation 8 was amended by S.I. 1996/2744, S.I. 2002/2497 and S.S.I. 2023/111.

### **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.—(1) The Child Disability Payment Regulations are amended as follows.
- (2) In regulation 23(a) (amount and form of Child Disability Payment)—
- (a) in paragraph (1)(a), for “£101.75” substitute “£108.55”,
  - (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)(b) (value of child winter heating assistance) of the Child Winter Heating Payment Regulations, for “£235.70” substitute “£251.50”.

### **Amendment of the Funeral Support Payment Regulations**

- 10.—(1) The Funeral Support Payment Regulations are amended as follows.
- (2) In regulation 13(c) (amount of funeral expense assistance)—
- (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)(d) (value and form of a Scottish child payment) of the Scottish Child Payment Regulations, for “£25.00” substitute “£26.70”.

### **Amendment of the Winter Heating Payment Regulations**

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

### **Amendment of the Young Carer Grants Regulations**

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

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(a) Regulation 23 was amended by S.S.I. 2022/41 and S.S.I. 2023/111.  
(b) Regulation 10 was amended by S.S.I. 2021/415 and S.S.I. 2023/111.  
(c) Regulation 13 was amended by S.S.I. 202/99 and S.S.I. 2023/111.  
(d) Regulation 20 was amended by S.S.I. 2022/336.  
(e) Regulation 9 was amended by S.S.I. 2023/111.  
(f) Regulation 12 was amended by S.S.I. 2020/475 and S.S.I. 2023/111.

**Saving and transitional provisions**

**14.** The schedule has effect.

St Andrew's House,  
Edinburgh  
Date

Authorised to sign by the Scottish Ministers

## 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 or 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, 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 amount 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 amount 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 or 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 amount 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 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 value 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 value of this assistance is still payable in certain circumstances.

Regulation 3 increases the value 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 value of this assistance is still payable in certain circumstances.

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

Regulation 6 amends regulation 8 of the Social Security (Invalid Care Allowance) Regulations 1976 (“the 1976 Regulations”) which increases the amount which 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 (S.I. 2002/2497) 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) which increases the earnings limit for payment of carer support payment. Regulation 7 also increases the value 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 value of this assistance is still payable in certain circumstances.

Regulation 8 increases the value 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 value of this assistance is still payable in certain circumstances.

Regulation 9 increases the amount 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 values of this assistance are still payable in certain circumstances.



Regulation 11 increases the amount 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 amount 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 value 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.