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Dear Ed

The Two Child Limit Payment (Scotland) Regulations 2026

I enclose a draft copy of the Two Child Limit Payment (Scotland) Regulations 2026, made under sections 79 and 95 of the Social Security (Scotland) Act 2018, along with a draft explanatory policy note. I am pleased to provide SCoSS with the formal request for scrutiny of these draft regulations and request that the Commission prepare and submit a report to the Scottish Ministers in accordance with their function under section 22(1)(a) of the Social Security (Scotland) Act 2018.

As you are aware, the Scottish Government has consistently called on the UK Government to end the two-child cap but it is clear that we can no longer wait for the UK Government to take action. That's why we are taking decisive action as early as possible to mitigate the application of the two-child cap in Universal Credit as far as our devolved powers allow. The draft Regulations set out the rules and processes associated with a Two Child Limit Payment including eligibility process, suspension process, value, form and time of payment.

A public consultation took place between February 2025 and April 2025. Organisations representing women's interests called for the Scottish Government to consider the interaction with the Universal Credit exception process, particularly in the case of non-consensual conception, and avoid the unnecessary disclosure of traumatic experiences. As a result, the Two Child Limit Payment has been designed to ensure that nobody will be expected to disclose information about the conception of their child in order to apply.

Following engagement with a range of stakeholders, my officials have prepared draft versions of the relevant impact assessments, which are also attached. Please note that these impact assessments are live documents and will continue to be updated as we gather more data ahead of laying the draft Regulations in Parliament. We also intend to undertake a



legislative data protection impact assessment following our consultation with the Information Commissioner's Office.

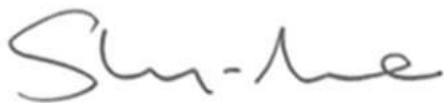
We are aware that changes may be required in relation to Regulation 29 which sets out the timing of payments. This regulation may need to be amended to address scenarios where someone's assessment period is changed as a result of them forming a couple with another Universal Credit recipient.

Unfortunately, due to significant time pressures it has not been possible to afford you with the 12-week scrutiny period usually provided in line with standing arrangements. Due to time constraints, and to ensure the passing of legislation in time to make payments by March 2026, I would request your scrutiny report be provided within a reduced scrutiny period of 10 weeks and therefore submitted by 1 September 2025.

I have sent a letter to the Social Justice and Social Security Committee to notify them that our proposals have been submitted to the Commission. As ever, I am grateful for your continued work in ensuring that devolved social security delivers a system that meets the needs of the people of Scotland.

Finally, I want to extend my thanks to the Commission for considering these regulations. Eradicating child poverty in Scotland is a national mission, however our efforts to tackle child poverty are being undermined by the social security policies of the UK Government, not least the two-child cap. These regulations, and your work in scrutinising them, are an important part of achieving that mission.

Yours sincerely,



SHIRLEY-ANNE SOMERVILLE