

F/T: 0300 244 4000  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Ed Pybus  
Scottish Commission on Social Security  
c/o Secretariat  
Victoria Quay  
The Shore  
Edinburgh  
EH6 6QQ

By email to: [info@socialsecuritycommission.scot](mailto:info@socialsecuritycommission.scot)

5th September 2025

Dear Ed

**the Social Security (Residence and Presence Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2025**

I am writing to inform the Commission of an urgent need to implement new, expedited draft regulations in order to support specified classes of people the UK Government leaving and having been evacuated from Israel and the Occupied Palestinian Territories (the West Bank including East Jerusalem, and Gaza) and the occupied Golan Heights as well as individuals coming to the UK for medical treatment under a scheme run by the UK Government

We are introducing these regulations to allow those specified classes of people to meet the residency conditions for social security assistance from day one of arriving in Scotland, if they are eligible. I understand my officials have already been in contact regarding the immediate need for Scottish Ministers to lay emergency legislation to support these people, and have shared draft regulations to answer any early questions and help you decide your approach to scrutiny. I am very grateful for the willingness that you have shown to work with us within these difficult circumstances.

The Department for Work and Pensions (DWP) has laid general crisis response legislation with a view to avoiding the repeated need for urgent country-specific legislation which enables those fleeing crises to receive benefits quickly upon their arrival. This legislation will exempt affected arriving individuals from both the Habitual Residence Test and the Past Presence Test for benefits where those tests are applied, in order that they can receive access to DWP benefits and services immediately. The general crisis legislation is activated when the Foreign and Commonwealth Office (FCDO) changes their travel advice to leave a country, there are evacuation flights, or if there is a humanitarian visa route. This legislation will therefore apply to individuals arriving from Israel, the Occupied Palestinian Territories, and the occupied Golan Heights who left in connection with the escalation in violence

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

between Israel and Iran as well as individuals who have been evacuated from Gaza for medical treatment in the UK.

The intention of the Scottish Government is to lay similar general crisis legislation in the near future. Specific legislation is however again required on this occasion to ensure that individuals from Israel, the Occupied Palestinian Territories, and the occupied Golan Heights who left in connection with the escalation in violence between Israel and Iran and those who arrive in the UK for medical treatment from Gaza can access Scottish benefits as soon as they arrive in Scotland.

The DWP's regulations came into force on 18 July 2025. However, due to recess of the Scottish Parliament, the earliest these regulations can come into force is Thursday 11 September 2025 after Parliament resumes.

I would therefore like to submit draft regulations to the Commission under section 97(2) of the Social Security (Scotland) Act 2018, which I intend to lay before Parliament on 3 September 2025.

The benefits which require to be changed are:

- Child Disability Payment
- Adult Disability Payment
- Pension Age Disability Payment
- Scottish Adult Disability Living Allowance
- Best Start Grants
- Best Start Foods
- Young Carer Grant
- Carer Support Payment

Although we were able to share an earlier draft, I understand that submitting regulations to you for scrutiny today which are to be laid before Parliament so soon afterwards does not provide the Commission any time to undertake its duties to scrutinise and report on the draft regulations before they are laid.

I am sure you will appreciate these are exceptional circumstances outwith our control, and that we must act quickly. I am grateful to the Commission for your cooperation in agreeing to work around these pressing timeframes in considering the regulations.

In laying the regulations and in line with the requirements of the 2018 Act I will set out why I have done so before your report has been published. I will also make clear that I will respond to your report following its publication, if one is produced, including to bring forward further provision where that is necessary to implement recommendations that we accept and to offer an explanation where we do not accept recommendations.

The draft regulations and the statutory section 97(9)(b) statement are included with this letter.

I am grateful to you for the helpful and constructive way in which you have engaged with officials, and wish to thank you for your continued co-operation and support.

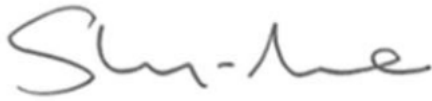
Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

**INVESTORS IN PEOPLE**  
We invest in people Silver



Yours sincerely



**SHIRLEY-ANNE SOMERVILLE**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

**INVESTORS IN PEOPLE**™  
We invest in people Silver

