



Scottish Commission on Social Security
c/o Secretariat
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Edinburgh
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30 September 2025

Shirley-Anne Somerville MSP
Cabinet Secretary for Social Justice
Scottish Parliament
Edinburgh
EH99 1SP

By email only

Dear Cabinet Secretary

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

Thank you for your letter of 5 September 2025 regarding the Social Security (Residence and Presence Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2025. 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 Social Security (Residence and Presence Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2025 [hereafter 'the regulations'].

SCoSS notes that the rationale for retrospective scrutiny of the regulations was the urgent need to implement new, expedited regulations to support people from m Israel and the Occupied Palestinian Territories and the occupied Golan Heights as a result of the escalating conflict. We fully understand and accept the need for this approach. In addition, we also recognise that the regulations were required to mirror emergency legislation relating to these locations being taken forward by the UK Government in order to ensure parity of access to benefits in Scotland for which Scottish Ministers have responsibility.

SCoSS has considered the regulations and we consider them essentially similar in scope and purpose to previous emergency regulations we have scrutinised. Accordingly, we have no comment or recommendations to make with regard to these specific regulations.

We are grateful to officials for their detailed and helpful response to our questions and for sending us the draft Child Rights Impact Assessment.

We note in response from your officials the intention to lay a future set of regulations applying a general provision to all similar future crises, also in line with the UK Government's legislation. We welcome this approach, which avoids having to bring forward emergency regulations each time. Developing these regulations also presents an opportunity for continuous improvement, for example to tackle any communications barriers to benefit take-up.¹ We look forward to scrutinising these regulations.

We hope you find this letter helpful and we welcome your feedback.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ed Pybus', with a stylized, cursive script.

Ed Pybus
Chair
Scottish Commission on Social Security

¹ As highlighted in relation to people whose first language is not English, in publications such as the Client Survey and Benefit Take-Up Strategy.