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Scottish Commission on Social Security
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30 October 2025

Dear Ed,

Provisions for inclusion in the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2026.

I am writing to provide SCoSS with draft provisions which will be part of the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2026 ('the up-rating regulations') which will be referred to the Commission in due course.

I enclose the draft provisions, and I request that the Commission consider these and provide a report to the Scottish Ministers, as part of the report on the overall up-rating regulations to be referred, in accordance with their function under section 22(1)(a) and 97(4) of the Social Security (Scotland) Act 2018.

The provisions make small amendments to regulations for the following benefits:

Carer Support Payment ('Carer Support' from March 2026): to correct a typographical error and to clarify provision on when Carer Support should end when a client dies.

Pension Age Winter Heating Payment: to correct a minor drafting error to ensure that, for clients in receipt of a joint claim to a relevant benefit, only the lead claimant is entitled to receive a Pension Age Winter Heating Payment. We intend to also introduce a saving provision ensuring that the regulations will continue to apply as they were during the 2025 qualifying week, for all determinations of entitlement made in respect of the 2025 qualifying week.

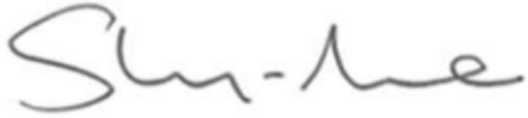
Scottish Adult Disability Living Allowance: to clarify provision on entitlement to the lowest rate of care component for those over State Pension age. The draft amendment makes clear that clients over State Pension age who are entitled to the middle or highest rate of the care component cannot newly become entitled to the lowest rate.

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I am aware that we have not been able to provide a full scrutiny period for these regulations, and I am grateful for the Commission for agreeing to carry out their scrutiny in a shorter timetable.

Thank you and I look forward to receiving your report.

Yours sincerely,



SHIRLEY-ANNE SOMERVILLE

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