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14 January 2026

Dear Ed,

The Social Security (Residence and Presence Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2026

Thank you for your letter of 19 November 2025 and the accompanying report under section 97 of the Social Security (Scotland) Act 2018 on the draft 'Social Security (Residence and Presence Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2026'.

I have reviewed the scrutiny report and responded to your recommendation in **Annex A** and I'm pleased to have accepted the recommendation.

I appreciate the Commission highlighting the potential for learning from previous regulations, as well as monitoring the delivery and impact of these general regulations. During the development of these regulations, we have considered the previous crisis-specific regulations, and we aim to gather as much data as possible about any future crises.

Since receiving the Commission's report, the regulations have been further amended to include changes to the Best Start Grant regulations to allow individuals who have escaped a crisis, or have been granted leave for humanitarian reasons, to access the higher rate of Pregnancy and Baby Payment for second or subsequent child if their older child was born outside the UK. The purpose of providing the higher rate payment to these cohorts is to support families who may have had to flee without the items the Pregnancy and Baby Payment would usually provide for. I appreciate how closely you have worked with my officials, and pleased to say that this amendment was added as a result of helpful prompting by the Commission.

Further minor drafting refinements to the regulations have been made since the referral to improve clarity and layout. The main changes have been summarised below.

- Across the regulations, where the person is to be treated as present in the Common Travel Area for the first 26 weeks of an absence, to avoid ambiguity, the

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phrase “of that 26 week period” has been added after each reference to “the first 13 weeks.”

- The drafting for regulation 9(2), amending the Child Disability Payment (CDP) Regulations, has been clarified so that the age must be assessed on the date that the application is treated as made in accordance with regulation 24(1) of the CDP regulations. This sets the time limit for how long the new regulations will apply in line with the past presence requirements for people under 6 months and over 6 months old. The two periods begin on the date that the UK Government issue the relevant public information.
- Other minor changes not impacting the policy intention have been made to update references, improve layout and fix typos.

I am very grateful to you and your team for agreeing to a shorter scrutiny period and responding so promptly.

Please accept my sincere thanks for your support for helping to ensure that the regulations could be laid in the Scottish Parliament with sufficient time for them to come into force from 18 March 2026.

Yours sincerely,



SHIRLEY-ANNE SOMERVILLE

Scottish Commission on Social Security Recommendations	Scottish Government Response
Recommendation 1: To inform the development of guidance, and improvement of local delivery services, we recommend that Social Security Scotland and the Scottish Government collect and analyse data on exemptions made under these regulations and monitor their impact.	Accept. We will monitor how the guidance and operational processes work with any future crises by collecting feedback from client advisors, Local Delivery and Decision Support Team. At the moment, there is no detailed management information available about clients exempted from residency tests due to escaping a crisis, as the Social Security Scotland systems are still developing. However, we will aim to collect data on residency exemptions in the event of any future crises, depending on the scale and the number of people impacted.

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