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25 April 2025

Dear Collette

The Social Security (Amendment) (Scotland) Act 2025: Commencement Regulations

As you will be aware, the Social Security (Amendment) (Scotland) Bill received Royal Assent on 23 January 2025. I would like to express my appreciation again to members of the Committee for their valuable contributions during the parliamentary progress of this important legislation.

I am pleased to be able to advise the Committee that today the Social Security (Amendment) (Scotland) Act 2025 (Commencement No. 1 and Saving and Transitional Provisions) Regulations 2025, the first piece of secondary legislation to commence parts of the new Act has now been laid before the Scottish Parliament.

These Regulations commence the following sections of the Act:

- s2 Care Experience Assistance;
- s9 Determinations as part of appeal;
- s17 Duty to up-rate assistance for inflation;
- s20 Scrutiny of regulations by the Commission;
- s21 Removal of Commission's status as body corporate;
- s22 Removal of Commission's accounting and auditing duties; and
- s23 Duty on Commission to publish annual report

Commencing section 2 means that the regulations being developed for the Care Leaver Payment, which will be delivered under the Care Experience Assistance regulation-making power, can be drafted and benefit from expert scrutiny by the Scottish Commission on Social Security (SCoSS) ahead of being laid in Parliament.

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The commencement of the provision on determinations as part of appeal at section 9 clarifies the circumstances which should be considered by the First-tier Tribunal (Social Security Chamber) at appeal.

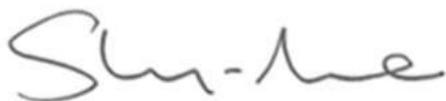
Commencing the duty to up-rate assistance for inflation at section 17 extends the statutory up-rating duty to include all Scottish social security payments delivered under the 2018 Act. Extending the statutory duty to all benefits will guarantee the real terms value of the payments as prices rise in the economy, maintaining their true purchasing power and avoiding any decline in their impact.

Sections 20 to 23 are provisions amending the remit and operation of Scottish Commission on Social Security (SCoSS). The commencement of section 20 brings new regulation-making powers, including Care Experience Assistance, within the scope of the Commission's formal scrutiny remit. Commencing section 21 removes the Commission's status as a body corporate which better reflects how SCoSS works in practice.

Commencing section 22 removes from SCoSS the statutory duty to prepare accounts and submit these for external audit. That duty will be replaced with a more proportionate requirement to prepare an annual report in section 23, which is submitted to Ministers and lodged in the Parliament. Removing from SCoSS the onerous burden of preparing accounts will allow the Commission to focus on its valuable role providing scrutiny on an extended range of secondary legislation.

I trust that you and the Committee members will find this information helpful.

Yours sincerely,



SHIRLEY-ANNE SOMERVILLE

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