



Social Security (Scotland) Act 2018

2018 asp 9

PART 3

SUPPLEMENTING ASSISTANCE UNDER OTHER ENACTMENTS

Top up of reserved benefits

79 Power to provide for top up

- (1) The Scottish Ministers may by regulations provide for financial assistance to be given to an individual who—
 - (a) is entitled to a reserved benefit, and
 - (b) appears to the Scottish Ministers to require financial assistance (in addition to any amount the individual receives by way of reserved benefit) for the purpose, or one of the purposes, for which the benefit is being provided.
- (2) The power conferred by subsection (1) includes the power to make provision about—
 - (a) determining entitlement (including specifying further eligibility rules that are to be used to determine whether an individual is entitled to the assistance),
 - (b) the amount of assistance,
 - (c) applications for assistance,
 - (d) obtaining information,
 - (e) appeals,
 - (f) assistance given in error.
- (3) In this section and section 80, “reserved benefit” means a benefit which is to any extent a reserved matter within the meaning of schedule 5 of the Scotland Act 1998.

80 Restrictions on power

- (1) Regulations under section 79 may not provide for financial assistance to be given to meet or help to meet housing costs.
- (2) Regulations under section 79 may not provide for financial assistance to be given where the need for the assistance arises solely from reduction, non-payability or

Status: This is the original version (as it was originally enacted).

suspension of a reserved benefit as a result of an individual’s conduct (for example, non-compliance with work-related requirements relating to the benefit).

- (3) But subsection (2) does not prevent assistance from being given where the need for the assistance in question—
- (a) also arises from some exceptional event or exceptional circumstances, and
 - (b) is immediate.

Carer’s allowance: temporary provision

81 Carer’s allowance supplement

- (1) The Scottish Ministers must make a payment (a “carer’s allowance supplement”) to qualifying individuals in respect of each of the following periods of each financial year—
- (a) 1 April to 30 September, and
 - (b) 1 October to 31 March.
- (2) A qualifying individual is an individual who, on the qualifying date, was—
- (a) in receipt of a carer’s allowance under section 70 of the Social Security Contributions and Benefits Act 1992, and
 - (b) resident in Scotland.
- (3) The qualifying date is a date determined by the Scottish Ministers falling within the period to which the payment relates.
- (4) The amount of a carer’s allowance supplement is to be calculated according to the following formula—

$$(JSA-CA) \times 26$$

where—

JSA is whichever is the higher of—

- (a) the weekly amount specified in regulation 79(1)(c) of the [Jobseeker’s Allowance Regulations 1996 \(S.I. 1996/207\)](#) as it has effect on the qualifying date, and
- (b) that amount as it would have effect on the qualifying date if it were adjusted for inflation in accordance with subsection (5), and

CA is the weekly rate of carer’s allowance specified in Part 3 of schedule 4 of the Social Security Contributions and Benefits Act 1992 as it has effect in Scotland on the qualifying date.

- (5) The Scottish Ministers must, before the start of each new tax year, beginning with the first new tax year beginning after this section comes into force—
- (a) calculate what the weekly amount specified in regulation 79(1)(c) of the Jobseeker’s Allowance Regulations 1996 (“the JSA Regulations”) would be if it were adjusted for inflation,
 - (b) publish a statement explaining how they have calculated inflation for this purpose.
- (6) In calculating the amount for the purpose of subsection (5)(a), the Scottish Ministers may take account of any change in the weekly amount specified in regulation 79(1)(c) of the JSA Regulations since this section came into force.

- (7) For the purposes of subsection (5), a tax year means a period beginning with 6 April in one year and ending with 5 April in the next.
- (8) The Scottish Ministers may by regulations modify this section so as to modify who is a qualifying individual for the purposes of this section.

82 Power to repeal temporary provision

The Scottish Ministers may by regulations—

- (a) repeal section 81 and revoke any regulations made under it, and
- (b) repeal this section.