

SOCIAL SECURITY (SCOTLAND) ACT 2018

EXPLANATORY NOTES

OVERVIEW

Part 1 (Tenets and Oversight)

Scottish Commission on Social Security (sections 21 and 22)

32. **Section 21** establishes the Scottish Commission on Social Security. It also introduces schedule 1, which makes provision about how the Commission is to operate, its financing and its membership. Paragraph 1 of the schedule provides that the Commission is to be independent of the Scottish Government. Paragraph 4 gives it rights of access to information.
33. **Section 22(1)** sets out the Commission's core functions. These include scrutiny of proposals for legislation, reporting on any social security matters that it is asked to report on by the Scottish Ministers or the Scottish Parliament, and reporting on the extent to which expectations in the Scottish social security charter are being met. Subsection (2) enables the Commission, when exercising any of the core functions listed in subsection (1), to have regard to any international human rights instruments that may be relevant to its work. When scrutinising proposals for legislation the Commission must have regard to such instruments and must also have regard to the Scottish social security principles articulated in section 1 (see section 97(6)). Subsection (3) requires that when the Commission produces a report on performance of one of the functions listed in subsection (1), it has to make that report available to the public.