



# Social Security Administration and Tribunal Membership (Scotland) Act 2020

2020 asp 18

## PART 1

### SOCIAL SECURITY ADMINISTRATION

#### *Power to set value of assistance as nil in certain circumstances*

#### **13 Power to set value of assistance as nil in certain circumstances**

- (1) The Social Security (Scotland) Act 2018 is modified as follows.
- (2) In schedule 2—
  - (a) after paragraph 11 insert—

#### **“11A Power to set value of assistance as nil**

- (1) Provision may be made in the regulations for the value of the carer's assistance that is to be given to an individual in respect of a period to be £0, but—
  - (a) such provision must be framed so as to apply by reference to at least one of the following matters—
    - (i) the individual being resident and present in a particular place during the period,
    - (ii) the individual being in receipt of another type of assistance (whether under this Act or another enactment) during the period, and
  - (b) the Scottish Ministers may only make such provision where they consider that it would be in the interests of the individuals to whom it applies to be entitled to carer's assistance with a value of £0 in respect of a period rather than not being entitled to carer's assistance at all.

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*Changes to legislation: There are currently no known outstanding effects for the Social Security Administration and Tribunal Membership (Scotland) Act 2020, Cross Heading: Power to set value of assistance as nil in certain circumstances. (See end of Document for details)*

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- (2) Nothing in sub-paragraph (1)(a) is to be taken to preclude provision being framed so as to apply by reference to further matters in addition to those mentioned there.”,
  - (b) in paragraph 12(b), for “paragraph 11” substitute “ paragraphs 11 and 11A ”.
- (3) In schedule 5—
- (a) after paragraph 14 insert—

**“14A Power to set value of assistance as nil**

- (1) Provision may be made in the regulations for the value of the disability assistance that is to be given to an individual in respect of a period to be £0, but—
    - (a) such provision must be framed so as to apply by reference to at least one of the following matters—
      - (i) the individual being resident and present in a particular place during the period,
      - (ii) the individual being in receipt of another type of assistance (whether under this Act or another enactment) during the period, and
    - (b) the Scottish Ministers may only make such provision where they consider that it would be in the interests of the individuals to whom it applies to be entitled to disability assistance with a value of £0 in respect of a period rather than not being entitled to disability assistance at all.
  - (2) Nothing in sub-paragraph (1)(a) is to be taken to preclude provision being framed so as to apply by reference to further matters in addition to those mentioned there.”,
  - (b) in paragraph 19, after paragraph (c) insert—
    - “(ca) paragraph 14A in Chapter 1 of Part 2,”.
- (4) In schedule 7—
- (a) after paragraph 11 insert—

**“11A Power to set value of assistance as nil**

- (1) Provision may be made in the regulations for the value of the employment-injury assistance that is to be given to an individual in respect of a period to be £0, but—
  - (a) such provision must be framed so as to apply by reference to at least one of the following matters—
    - (i) the individual being resident and present in a particular place during the period,
    - (ii) the individual being in receipt of another type of assistance (whether under this Act or another enactment) during the period, and
  - (b) the Scottish Ministers may only make such provision where they consider that it would be in the interests of the individuals to whom it applies to be entitled to employment-injury assistance with a value of £0 in respect of a

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period rather than not being entitled to employment-injury assistance at all.

- (2) Nothing in sub-paragraph (1)(a) is to be taken to preclude provision being framed so as to apply by reference to further matters in addition to those mentioned there.”
- (b) in paragraph 15, after paragraph (b) insert—
  - “(ba) paragraph 11A in Chapter 1 of Part 2.”.
- (5) In schedule 9—
  - (a) after paragraph 10 insert—

**“10A Power to set value of assistance as nil**

- (1) Provision may be made in the regulations for the value of the housing assistance that is to be given to an individual in respect of a period to be £0, but—
  - (a) such provision must be framed so as to apply by reference to at least one of the following matters—
    - (i) the individual being resident and present in a particular place during the period,
    - (ii) the individual being in receipt of another type of assistance (whether under this Act or another enactment) during the period, and
  - (b) the Scottish Ministers may only make such provision where they consider that it would be in the interests of the individuals to whom it applies to be entitled to housing assistance with a value of £0 in respect of a period rather than not being entitled to housing assistance at all.
- (2) Nothing in sub-paragraph (1)(a) is to be taken to preclude provision being framed so as to apply by reference to further matters in addition to those mentioned there.”
- (b) in paragraph 13, after “9” insert “ , 10A ”.

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**Commencement Information**

**II** S. 13 in force at 26.7.2021 by [S.S.I. 2021/232](#), **reg. 2(g)**

**Changes to legislation:**

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