



# Scotland Act 2016

## 2016 CHAPTER 11

### PART 3

#### WELFARE BENEFITS AND EMPLOYMENT SUPPORT

##### *Welfare benefits*

#### **29 Universal credit: costs of claimants who rent accommodation**

- (1) A function of making regulations to which this section applies, so far as it is exercisable by the Secretary of State in or as regards Scotland, is exercisable by the Scottish Ministers concurrently with the Secretary of State.
- (2) This section applies to—
  - (a) regulations under section 11(4) of the Welfare Reform Act 2012 (determination and calculation of housing cost element), so far as relating to any liability of a claimant in respect of accommodation which the claimant rents, and
  - (b) regulations under section 5(1)(p) of the Social Security Administration Act 1992 (payments to another person on behalf of the beneficiary), so far as relating to the payment of an amount of universal credit in respect of any such liability.
- (3) For the purposes of this section—
  - (a) a claimant “rents” accommodation if he or she is liable to make rent payments (with or without other payments) in respect of it, and
  - (b) “rent payments” has the meaning given from time to time by paragraph 2 of Schedule 1 to the Universal Credit Regulations 2013 ([S.I. 2013/376](#)).
- (4) The Scottish Ministers may not exercise the function of making regulations to which this section applies unless they have consulted the Secretary of State about the practicability of implementing the regulations.
- (5) If—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the Scottish Ministers make regulations to which this section applies, and
  - (b) the Secretary of State considers that it is not practicable to implement a change made by the regulations by the time that change is to start to have effect,
- the Secretary of State may by regulations made by statutory instrument amend the regulations so that the change is to start to have effect from a time later than the time originally set.
- (6) The altered time must be no later than the Secretary of State considers necessary, having regard to the practicability of implementing the change.
  - (7) The Secretary of State may not exercise the function of making regulations to which this section applies in or as regards Scotland unless he or she has consulted the Scottish Ministers.
  - (8) Where regulations are made by the Scottish Ministers by virtue of subsection (1)—
    - (a) section 43(1) of the Welfare Reform Act 2012 (in the case of regulations referred to in subsection (2)(a)) and section 189(3) of the Social Security Administration Act 1992 (in the case of regulations referred to in subsection (2)(b)) do not apply, and
    - (b) the regulations are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).