

Draft Regulations laid before the Scottish Parliament under section 96(2) of the Social Security (Scotland) Act 2018 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

SOCIAL SECURITY

**The Social Security Information-sharing
(Scotland) Amendment Regulations 2022**

Made - - - - 2022
Coming into force - - 21st March 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 85(2)(g) and (5) of the Social Security (Scotland) Act 2018⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 96(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Information-sharing (Scotland) Amendment Regulations 2022 and come into force on 21 March 2022.

(2) In these Regulations “the 2021 Regulations” means the Social Security Information-sharing (Scotland) Regulations 2021⁽²⁾.

Amendment of regulation 2 of the 2021 Regulations

2. In regulation 2 of the 2021 Regulations (specification of persons who may be required to supply information)—

(a) after paragraph (2)(a) insert—

“(aa) any supplier of vehicles approved by the Scottish Ministers under an accreditation scheme run by the Scottish Ministers to supply vehicles for the benefit of individuals who are entitled to the enhanced rate of the mobility component of Adult Disability Payment in accordance with regulation 6 of the

(1) 2018 asp 9.
(2) S.S.I. 2021/178.

- Disability Assistance for Working Age People (Scotland) Regulations 2022⁽³⁾ (mobility component),”
- (b) omit “and” at the end of paragraph (2)(d),
- (c) after paragraph (2)(e) insert—
- “and
- (f) an integration authority as defined in section 59 of the Public Bodies (Joint Working) (Scotland) Act 2014⁽⁴⁾.”

Amendment of regulation 4 of the 2021 Regulations

3. In regulation 4 of the 2021 Regulations (use of information supplied by the Scottish Ministers)

- (a) in paragraph (1)(a), after “regulation 2(2)(a)” insert “or 2(2)(aa)”,
- (b) in paragraph (3)(e), after “regulation 4(2)(ad)” insert “or 4(2)(ae)”⁽⁵⁾,
- (c) after paragraph (3)(g) insert—
- “(h) determining whether a person applying for or receiving a welfare service is liable to contribute towards the cost of that service and if so the amount of that contribution.”,
- (d) after paragraph (3) insert—
- “(4) In this regulation “welfare service” means—
- (a) housing support services, as defined in regulation 2 of the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012⁽⁶⁾ (interpretation),
- (b) the provision of residential care, as defined in regulation 2 of the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012 (interpretation),
- (c) the provision of domiciliary care, as defined in regulation 5(4)(d) of the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012 (supply of relevant information by the Secretary of State).”

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

⁽³⁾ S.S.I. 2022/XXX.

⁽⁴⁾ 2014 asp 9. Section 59 was amended by S.S.I. 2014/342.

⁽⁵⁾ Regulation 4(2)(ae) was inserted into S.S.I. 2000/59 by S.S.I. 2022/XXX.

⁽⁶⁾ S.I. 2012/1483 to which there are amendments which are not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend existing provisions regarding the sharing of information in connection with the social security functions of the Scottish Ministers that are contained in the Social Security Information-sharing (Scotland) Regulations 2021 (“the 2021 Regulations”).

Regulation 2 amends regulation 2 of the 2021 Regulations to specify, for the purposes of section 85(2) of the Social Security (Scotland) Act 2018, two additional persons who may be required by the Scottish Ministers to supply information to them for the purpose of a social security function. These persons are any suppliers of vehicles, approved by the Scottish Ministers under an accreditation scheme run by the Scottish Ministers, to supply vehicles for the benefit of individuals who are entitled to the mobility component of Adult Disability Payment, at the enhanced rate, and integration authorities (as defined in section 59 of the Public Bodies (Joint Working) (Scotland) Act 2014).

Regulation 3 amends regulation 4 of the 2021 Regulations.

Regulation 3(a) amends regulation 4(1)(a) of the 2021 Regulations. That regulation provides that information held by the Scottish Ministers for the purpose of a social security function may be supplied by them to a supplier of vehicles described in regulation 2(2)(a) of the 2021 Regulations for the function of the provision of a vehicle. Regulation 4(1)(a) is amended to allow the Scottish Ministers to share information with suppliers of vehicles to individuals entitled to Adult Disability Payment at the enhanced rate too, for the same purposes.

Regulation 3(b) amends regulation 4(3) of the 2021 Regulations, which sets out the specified functions in relation to which the Scottish Ministers can share information with local authorities for the purpose of a social security function. Regulation 3(b) amends regulation 4(3)(e) of the 2021 Regulations so that information can be shared about the receipt of Adult Disability Payment, in certain circumstances described in regulation 4(2)(ae) of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, for the function of the determination of entitlement to a Blue Badge.

Regulation 3(c) adds a new function to regulation 4(3), so that information can be shared with local authorities for the purpose of determining whether a person applying for or receiving a welfare service is liable to contribute towards the cost of that service and, if so, the amount of that contribution.

Regulation 3(d) inserts a new definition of “welfare service” for the purpose of regulation 4 of the 2021 Regulations.

Impact assessments have been prepared for these Regulations and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Social Security Directorate, Victoria Quay, Edinburgh EH6 6QQ and online at www.legislation.gov.uk.