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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 422 (C. 39)**

**SOCIAL SECURITY**

**The Social Security Administration and Tribunal Membership  
(Scotland) Act 2020 (Commencement No. 1) Regulations 2020**

*Made* - - - - *9th December 2020*  
*Laid before the Scottish*  
*Parliament* - - - - *11th December 2020*  
*Coming into force* - - *23rd December 2020*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 18(2) and (3) of the Social Security Administration and Tribunal Membership (Scotland) Act 2020(1).

**Citation, commencement and interpretation**

1. These Regulations may be cited as the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (Commencement No. 1) Regulations 2020 and come into force on 23 December 2020.

2. In these Regulations, “the 2018 Act” means the Social Security (Scotland) Act 2018(2).

**Appointed day**

3.—(1) 23 December 2020 is the day appointed for the coming into force of section 2(4) of the Social Security Administration and Tribunal Membership (Scotland) Act 2020, in so far as is necessary for the purpose described in paragraph (2).

(2) The purpose is to insert section 85B(1) to (11) into the 2018 Act, in order to allow appointments to be made by the Scottish Ministers in connection with the determination of an individual’s entitlement to assistance under regulations made under section 79 of the 2018 Act in circumstances where the condition in section 85B(3)(b) is met.

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(1) 2020 asp 18.  
(2) 2018 asp 9.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
9th December 2020

*SHIRLEY-ANNE SOMERVILLE*  
A member of the Scottish Government

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations bring section 2(4) of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (“the 2020 Act”) into force, for a limited purpose, on 23 December 2020.

Section 2(4) of the 2020 Act inserts new section 85B into the Social Security (Scotland) Act 2018 (“the 2018 Act”). Section 85B gives the Scottish Ministers the power, in certain circumstances, to appoint an appointee to act on behalf of an individual in connection with the determination of the individual’s entitlement to assistance under Part 2, or under regulations for “top-up” assistance made under section 79, of the 2018 Act.

Section 2(4) is commenced only in so far as it inserts new section 85B(1) to (11) into the 2018 Act, and only for the purpose of allowing appointments to be made in respect of an individual’s entitlement to assistance under top-up regulations under section 79 of the 2018 Act in certain circumstances where the individual is deceased or the individual is incapable within the meaning of the Adults with Incapacity (Scotland) Act 2000. Appointments in respect of an individual’s entitlement to assistance under Part 2 of the 2018 Act will continue to be made under section 58 of that Act, until such time as section 2(2) of the 2020 Act is brought into force.

The Bill for the 2020 Act received Royal Assent on 10 November 2020. In accordance with section 18(1) of that Act, sections 1, 4, 5, 6, 14, 17, 18 and 19 came into force the following day.