
SCOTTISH STATUTORY INSTRUMENTS

2024 No. 57 (C. 5)

SOCIAL SECURITY

**The Social Security (Scotland) Act 2018 (Commencement
No. 10 and Transitional Provision) Regulations 2024**

Made - - - - 20th February 2024
*Laid before the Scottish
Parliament* - - - - 22nd February 2024
Coming into force - - 1st April 2024

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 99(2) and (3) of the Social Security (Scotland) Act 2018⁽¹⁾.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Scotland) Act 2018 (Commencement No. 10 and Transitional Provision) Regulations 2024 and come into force on 1 April 2024.

(2) In these Regulations—

“the 2018 Act” means the Social Security (Scotland) Act 2018,

“the 2001 Regulations” means the Discretionary Financial Assistance Regulations 2001⁽²⁾.

Appointed day

2. The day appointed for the coming into force of the following provisions of the 2018 Act is 1 April 2024—

- (a) section 88 (local authorities’ power to make payments),
- (b) section 89 (restrictions on power to make payments),
- (c) section 90 (local authorities’ duty to provide information about payments),
- (d) so far as not already in force, section 91 (guidance)⁽³⁾,
- (e) section 92 (local authorities need not make payments if not funded), and
- (f) section 93 (power to modify section 88).

(1) 2018 asp 9.

(2) S.I. 2001/1167, amended by S.I. 2001/1711, S.I. 2006/217, S.I. 2007/2474, S.I. 2008/637, S.I. 2010/424, S.I. 2010/509, S.I. 2010/1160, S.I. 2011/688, S.I. 2013/458, S.I. 2013/1139 and S.I. 2018/65.

(3) Section 91 came into force partially on 1 April 2020 by virtue of S.S.I. 2020/75.

Transitional provision

3. Any rights or liabilities accrued in relation to—

- (a) a claim for discretionary housing payment made in accordance with regulation 6 (form, manner and procedure for claims) of the 2001 Regulations which was received before 1 April 2024 but in relation to which no decision has been notified under regulation 6(3) of the 2001 Regulations,
- (b) a request for a review of a decision made in respect of a claim for discretionary housing payment which has been received before 1 April 2024 but in relation to which no decision has been notified under regulation 6(3) of the 2001 Regulations,
- (c) a decision which has been reviewed before 1 April 2024 in accordance with regulation 8 (reviews) of the 2001 Regulations but in relation to which the making, cancellation or recovery of a discretionary housing payment has not taken place,

continue to have effect for all purposes on and after that date as if they were accrued under Part 5 of the 2018 Act.

St Andrew's House,
Edinburgh
20th February 2024

SHIRLEY-ANNE SOMERVILLE
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring sections 88, 89, 90, 91, 92, and 93 of the Social Security (Scotland) Act 2018 (“the 2018 Act”) into force on 1 April 2024 and make transitional provision.

Section 88 empowers local authorities to financially assist qualifying individuals in their housing costs. Subsection (2) defines “qualifying individual”. Subsection (3) defines the qualifying benefits required to receive this assistance and subsection (4) explains methods by which the assistance may be given.

Section 89 imposes restrictions on the use of the power to make discretionary housing payments.

Section 90 requires each local authority to publicise its discretionary housing payment scheme.

Section 91 requires local authorities to have regard to any guidance issued by the Scottish Ministers about the exercise of their power to make discretionary housing payments and makes further provision about the issuing of that guidance. Section 91 was partially commenced on 1 April 2020 by virtue of the Social Security (Scotland) Act 2018 (Commencement No. 6) Regulations 2020 ([S.S.I. 2020/75](#)) to enable the Scottish Ministers to consult in accordance with subsection (4). These Regulations commence section 91 insofar as it was not already in force.

Section 92 allows the Scottish Ministers to give grants to local authorities for the purpose of running discretionary housing payment schemes and makes further provision about the use of those grants.

Section 93 enables the Scottish Ministers to amend section 88 to allow for changes to the legislation relating to housing benefit or universal credit, or should other reserved benefits be created to assist persons with their housing costs.

Regulation 3 ensures that relevant rights and liabilities accrued under the revoked Discretionary Financial Assistance Regulations 2001 are treated as being accrued under Part 5 of the 2018 Act, to enable a relevant authority to make decisions in respect of ongoing claims and reviews and to make, cancel or recover payments.

The Bill for the 2018 Act received Royal Assent on 1 June 2018. Part 7 of that Act (sections 95 to 100: final provisions) came into force the following day.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Social Security (Scotland) Act 2018 have been brought into force by commencement Regulations made before the date of these Regulations—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 9	22 October 2018	S.S.I. 2018/298
Section 10	30 June 2020	S.S.I. 2020/75
Section 11	27 March 2020	S.S.I. 2020/75
Sections 12 to 14	17 January 2022	S.S.I. 2021/474
Sections 15 to 20	22 October 2018	S.S.I. 2018/298

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 21 and 22	21 January 2019	S.S.I. 2018/393
Sections 23 to 27	22 October 2018	S.S.I. 2018/298
Section 28	14 October 2019	S.S.I. 2019/269
Section 30	1 September 2020	S.S.I. 2020/127
Section 31	8 October 2020	S.S.I. 2020/295
Section 32	10 December 2018	S.S.I. 2018/357
Section 34	11 September 2019	S.S.I. 2019/269
Section 36	8 October 2020	S.S.I. 2020/295
Sections 37 to 54	22 October 2018	S.S.I. 2018/298
Section 55	17 January 2022	S.S.I. 2021/474
Sections 56 to 59	22 October 2018	S.S.I. 2018/298
Section 60	17 January 2022	S.S.I. 2021/474
Sections 61 to 69	22 October 2018	S.S.I. 2018/298
Section 70	11 September 2019	S.S.I. 2019/269
Sections 71 to 75	22 October 2018	S.S.I. 2018/298
Section 76 (partially)	3 September 2018	S.S.I. 2018/250
Section 76 (fully)	22 October 2018	S.S.I. 2018/298
Sections 77 and 78	30 October 2019	S.S.I. 2019/269
Sections 79 and 80	1 May 2020	S.S.I. 2020/127
Sections 81 to 85	3 September 2018	S.S.I. 2018/250
Section 87	22 October 2018	S.S.I. 2018/298
Section 91 (partially)	1 April 2020	S.S.I. 2020/75
Schedule 1	21 January 2019	S.S.I. 2018/393
Schedule 2	14 October 2019	S.S.I. 2019/269
Schedule 4	1 September 2020	S.S.I. 2020/127
Schedule 5	8 October 2020	S.S.I. 2020/295
Schedule 6	10 December 2018	S.S.I. 2018/357
Schedule 8	11 September 2019	S.S.I. 2019/269
Schedule 10	8 October 2020	S.S.I. 2020/295