



Scotland Act 2016

2016 CHAPTER 11

PART 3

WELFARE BENEFITS AND EMPLOYMENT SUPPORT

Welfare benefits

23 Benefits for maternity, funeral and heating expenses

- (1) In Part 2 of Schedule 5 to the Scotland Act 1998, Section F1 is amended as follows.
- (2) In the Exceptions, after exception 3 (see section 22(3) above) insert—

“Exception 4

Providing financial or other assistance for the purposes of meeting or reducing—

- (a) maternity expenses,
- (b) funeral expenses, or
- (c) expenses for heating in cold weather.”

- (3) In the Exceptions, for the words from “But the following are not excepted” to “Act 2000 (discretionary housing payments).” substitute—

“Exclusions from exceptions 1 to 10

Nothing in exceptions 1 to 10 is to be read as excepting—

- (a) the National Insurance Fund,
- (b) the Social Fund, or
- (c) the provision by a Minister of the Crown of assistance by way of loan for the purpose of meeting, or helping to meet, an intermittent expense.”

- (4) In the Interpretation provision, omit the words from “Paragraph 5(1) of Part 3 of this Schedule” to “it is to be treated as if it were.”

Changes to legislation: Scotland Act 2016, Section 23 is up to date with all changes known to be in force on or before 16 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(5) In section 138 of the Social Security Contributions and Benefits Act 1992 (payments out of the social fund) after subsection (4) insert—

“(4A) This section has effect in or as regards Scotland as if—

- (a) references in subsections (1)(a) and (2) to the making of payments out of the social fund were to the making of payments by the Scottish Ministers,
- (b) the reference in subsection (2) to the Secretary of State were to the Scottish Ministers, and
- (c) the reference in subsection (4) to regulations were to regulations made by the Scottish Ministers.

(4B) Where regulations are made by the Scottish Ministers under this section—

- (a) sections 175(2) and (7) and 176 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).

(4C) The power to make an Order in Council under section 30(3) of the Scotland Act 1998 is exercisable for the purposes of this section as it is exercisable for the purposes of that Act.”

Modifications etc. (not altering text)

- C1** S. 23 modified (temp.) (17.5.2017) by [The Scotland Act 2016 \(Transitional\) Regulations 2017 \(S.I. 2017/444\)](#), [regs. 3\(1\)\(2\)](#), 4 (as amended (21.11.2019) by [The Scotland Act 2016 \(Transitional\) \(Amendment\) Regulations 2019 \(S.I. 2019/1439\)](#), [regs. 1](#), [2\(2\)](#))
- C2** S. 23 modified (temp.) (17.5.2017) by [The Scotland Act 2016 \(Transitional\) Regulations 2017 \(S.I. 2017/444\)](#), [regs. 6](#), 7 (as amended (21.11.2019) by [The Scotland Act 2016 \(Transitional\) \(Amendment\) Regulations 2019 \(S.I. 2019/1439\)](#), [regs. 1](#), [2\(3\)](#))
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Commencement Information

- I1** S. 23(1) in force at 5.9.2016 for specified purposes by [S.I. 2016/759](#), [reg. 3\(b\)\(i\)](#)
- I2** S. 23(1) in force at 17.5.2017 in so far as not already in force by [S.I. 2017/455](#), [reg. 2\(b\)\(i\)](#)
- I3** S. 23(2)(4) in force at 17.5.2017 by [S.I. 2017/455](#), [reg. 2\(b\)\(ii\)](#)
- I4** S. 23(3) in force at 5.9.2016 by [S.I. 2016/759](#), [reg. 3\(b\)\(ii\)](#)
- I5** S. 23(5) in force at 17.5.2017 for specified purposes by [S.I. 2017/455](#), [reg. 2\(b\)\(iii\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 23(5) coming into force by [S.I. 2017/455 reg. 3](#) (This S.I. is amended by S.I. 2019/1438, reg. 2, S.I. 2022/409, reg. 3 and S.I. 2023/395, reg. 2)
- specified provision(s) amendment to earlier commencing S.I. 2017/455, reg. 3 by [S.I. 2019/1438 reg. 2](#)