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STATUTORY INSTRUMENTS

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**2018 No. 872**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND  
SOCIAL SECURITY**

**The Social Security (Scotland) Act 2018  
(Consequential Modifications) Order 2018**

<i>Made</i>	- - - -	<i>18th July 2018</i>
<i>Laid before Parliament</i>		<i>19th July 2018</i>
<i>Coming into force</i>	- -	<i>3rd September 2018</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(5) of the Scotland Act 1998(1).

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Social Security (Scotland) Act 2018 (Consequential Modifications) Order 2018.

(2) This Order comes into force on 3rd September 2018.

(3) Each amendment made by this Order has the same extent as the provision to which it relates.

**Amendment of the Income Support (General) Regulations 1987**

2.—(1) The Income Support (General) Regulations 1987(2) are amended as follows.

(2) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), after paragraph 80, insert—

“**81.** Any payment of carer’s allowance supplement made under section 81 of the Social Security (Scotland) Act 2018(3).”.

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(1) 1998 c. 46. There are amendments to section 104 which are not relevant to this Order.  
(2) S.I. 1987/1967; relevant amending instrument is S.I. 2017/422.  
(3) 2018 asp 9.

### **Amendment of the Jobseeker’s Allowance Regulations 1996**

3.—(1) The Jobseeker’s Allowance Regulations 1996(4) are amended as follows.

(2) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings), after paragraph 76, insert—

“77. Any payment of carer’s allowance supplement made under section 81 of the Social Security (Scotland) Act 2018.”.

### **Amendment of the State Pension Credit Regulations 2002**

4.—(1) The State Pension Credit Regulations 2002(5) are amended as follows.

(2) In regulation 15(1) (social security benefits which are not prescribed for the purpose of section 15(1)(e) of the State Pension Credit Act 2002), after sub-paragraph (r), insert—

“(ra) carer’s allowance supplement payable under section 81 of the Social Security (Scotland) Act 2018;”.

### **Amendment of the Housing Benefit Regulations 2006**

5.—(1) The Housing Benefit Regulations 2006(6) are amended as follows.

(2) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings), after paragraph 67, insert—

“68. Any payment of carer’s allowance supplement made under section 81 of the Social Security (Scotland) Act 2018.”.

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

6.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(7) are amended as follows.

(2) In regulation 29(1)(j) (social security benefits which are not income), after paragraph (xviiia), insert—

“(xviiib) carer’s allowance supplement payable under section 81 of the Social Security (Scotland) Act 2018;”.

### **Amendment of the Employment and Support Allowance Regulations 2008**

7.—(1) The Employment and Support Allowance Regulations 2008(8) are amended as follows.

(2) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), after paragraph 68, insert—

“69. Any payment of carer’s allowance supplement made under section 81 of the Social Security (Scotland) Act 2018.”.

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(4) S.I. 1996/207; relevant amending instrument is S.I. 2017/422.  
(5) S.I. 2002/1792; relevant amending instrument is S.I. 2002/3019.  
(6) S.I. 2006/213; relevant amending instrument is S.I. 2017/422.  
(7) S.I. 2006/214; relevant amending instrument is S.I. 2014/3255.  
(8) S.I. 2008/794; relevant amending instrument is S.I. 2017/422.

18th July 2018

*David Mundell*  
Secretary of State  
Office of the Secretary of State for Scotland

**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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## EXPLANATORY NOTE

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

This Order amends social security legislation as a consequence of section 81 of the Social Security (Scotland) Act 2018 (asp 9).

That section requires Scottish Ministers to pay a “carer’s allowance supplement” to qualifying individuals who, on dates to be determined by the Scottish Ministers, are both in receipt of “carer’s allowance” under section 70 of the Social Security Contributions and Benefits Act 1992 (c. 4) and resident in Scotland.

This Order provides for carer’s allowance supplement to be disregarded as income when determining a claimant’s entitlement to benefits under: the Income Support (General) Regulations 1987 (S.I. 1987/1967); the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207); the Housing Benefit Regulations 2006 (S.I. 2006/213); and the Employment and Support Allowance Regulations 2008 (S.I. 2008/794). In both the State Pension Credit Regulations 2002 (S.I. 2002/1792) and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214), the supplement is excluded from being a social security benefit which would otherwise be taken into account as income in determining entitlement to those benefits.

A full impact assessment has not been produced for this instrument as little or no impact on the private, voluntary or public sectors is foreseen.