

Changes to legislation: Social Security (Scotland) Act 2018, CHAPTER 5 is up to date with all changes known to be in force on or before 02 January 2024. 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

SCHEDULE 1 SCOTTISH COMMISSION ON SOCIAL SECURITY

PART 1

OPERATION AND COMPOSITION OF THE COMMISSION

CHAPTER 5

MEMBERSHIP

Number of members

- 13 (1) The Commission is to consist of—
- (a) a member to chair the Commission, and
 - (b) at least 2 but no more than 4 other members.
- (2) The Scottish Ministers may by regulations amend sub-paragraph (1)(b) by substituting a different number for any number for the time being specified there.

Commencement Information

- II** Sch. 1 para. 13 in force at 21.1.2019 by [S.S.I. 2018/393](#), [reg. 2](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 3\(2\)](#))

Appointment of members

- 14 (1) The Scottish Ministers are to appoint the Commission's members.
- (2) The Scottish Ministers may not appoint a person who is disqualified from being a member (see paragraph 17).
- (3) When appointing members the Scottish Ministers must have regard to the desirability of—
- (a) securing that the Commission (taken as a whole) has experience in or knowledge of—
 - (i) the formulation, implementation and evaluation of social security policies in Scotland and elsewhere in the United Kingdom,
 - (ii) research in connection with social security, and
 - (iii) the effect of disability, arising from a physical or mental impairment, on daily life,
 - (b) having a member with personal experience of having a disability arising from a physical or mental impairment, and
 - (c) having as members people who have not previously been members.

Commencement Information

- I2** Sch. 1 para. 14 in force at 21.1.2019 by [S.S.I. 2018/393](#), [reg. 2](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 3\(2\)](#))

Changes to legislation: Social Security (Scotland) Act 2018, CHAPTER 5 is up to date with all changes known to be in force on or before 02 January 2024. 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

Tenure and other terms and conditions

- 15 (1) A person's membership of the Commission continues until the end of the period of appointment (subject to paragraph 16(1) and (2)).
- (2) In sub-paragraph (1), “the period of appointment” means the period specified by the Scottish Ministers on appointing the person as a member.
- (3) The Scottish Ministers may not specify a period of appointment that is longer than 4 years, beginning with the day that the appointment takes effect.
- (4) Nothing in this paragraph prevents a person from being a member of the Commission for two or more consecutive periods of appointment.
- (5) The Scottish Ministers may determine other terms and conditions of membership, in relation to matters not covered by this schedule.

Commencement Information

I3 Sch. 1 para. 15 in force at 21.1.2019 by [S.S.I. 2018/393](#), [reg. 2](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 3\(2\)](#))

Early termination

- 16 (1) A member of the Commission may resign by giving notice in writing to the Scottish Ministers.
- (2) A person's membership of the Commission ends if—
- (a) the person becomes disqualified from being a member (see paragraph 17), or
 - (b) the Scottish Ministers give the person written notice that the person is removed from the Commission.
- (3) The Scottish Ministers may remove a member of the Commission by virtue of sub-paragraph (2)(b) only if they consider that the member is—
- (a) unfit to continue to be a member, or
 - (b) unable to perform the member's functions.

Commencement Information

I4 Sch. 1 para. 16 in force at 21.1.2019 by [S.S.I. 2018/393](#), [reg. 2](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 3\(2\)](#))

Disqualification grounds

- 17 (1) A person is disqualified from being a member of the Commission if sub-paragraph (2) or (3) applies to the person.
- (2) This sub-paragraph applies to a person who is—
- (a) a member of the—
 - (i) Scottish Parliament,
 - (ii) House of Commons,
 - (iii) House of Lords,

Changes to legislation: Social Security (Scotland) Act 2018, CHAPTER 5 is up to date with all changes known to be in force on or before 02 January 2024. 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](#)

- (iv) National Assembly for Wales,
 - (v) Northern Ireland Assembly, or
 - (vi) European Parliament,
 - (b) a councillor of any local authority,
 - (c) a member of the Scottish Government,
 - (d) a Minister of the Crown,
 - (e) an office-holder of the Crown in right of Her Majesty's Government in the United Kingdom,
 - (f) an office-holder in the Scottish Administration,
 - (g) a civil servant,
 - (h) one of the members of the Scottish Tribunals, as defined in section 13(3) of the Tribunals (Scotland) Act 2014,
 - (i) a judge, or other member, of the Upper Tribunal or First-tier Tribunal established by section 3 of the Tribunals, Courts and Enforcement Act 2007.
- (3) This sub-paragraph applies to a person (subject to sub-paragraph (4)) who is or has been—
- (a) disqualified as a company director under the Company Directors Disqualification Act 1986,
 - (b) disqualified as a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005,
 - (c) the subject of a disqualification under a disqualification provision analogous to either of those mentioned in paragraph (a) or (b) anywhere in the world.
- (4) Sub-paragraph (3) does not apply to a person who is or has been disqualified as mentioned in that sub-paragraph only by—
- (a) section 11 of the Company Directors Disqualification Act 1986 (undischarged bankrupts),
 - (b) section 69(2)(b) of the Charities and Trustee Investment (Scotland) Act 2005 (which disqualifies undischarged bankrupts from being charity trustees), or
 - (c) a provision analogous to either of those mentioned in paragraph (a) or (b) anywhere in the world.

Commencement Information

I5 Sch. 1 para. 17 in force at 21.1.2019 by [S.S.I. 2018/393](#), [reg. 2](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 3\(2\)](#))

Changes to legislation:

Social Security (Scotland) Act 2018, CHAPTER 5 is up to date with all changes known to be in force on or before 02 January 2024. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81(4C) inserted by [2021 asp 20 s. 2\(a\)](#)
- s. 85D inserted by [2020 asp 18 s. 2\(6\)](#)