



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 4

#### FURTHER PROVISION IN CONNECTION WITH PARTS 2 AND 3

#### *[<sup>F1</sup>Uprating for inflation]*

#### **[<sup>F2</sup>86B] [<sup>F1</sup>Duty to uprate certain types of assistance]**

- (1) Before the end of each financial year, having calculated in accordance with section 77 the inflation-adjusted level of each relevant figure prescribed in—
- the carer's assistance regulations,
  - the disability assistance regulations,
  - the employment-injury assistance regulations,<sup>F3</sup>...
  - the funeral expense assistance regulations,<sup>F4</sup>and
  - the Scottish Child Payment Regulations 2020,]

the Scottish Ministers must bring forward legislation to replace any relevant figure prescribed in those regulations which is, in their opinion, materially below its inflation-adjusted level with a figure of at least that level (subject to any rounding they think appropriate).

- <sup>F5</sup>(2) The reference in subsection (1) to bringing forward legislation to replace a figure is a reference to laying before the Scottish Parliament for approval by resolution a draft Scottish statutory instrument containing regulations that would have the effect of replacing the figure.]

- (3) If the Scottish Parliament approves a draft instrument laid before it by the Scottish Ministers in fulfilment of their duty under subsection (1), the Ministers must make the regulations contained in the draft instrument.

- (4) In this section—

“carer's assistance regulations” means regulations under section 28,

“disability assistance regulations” means regulations under section 31,

“employment-injury assistance regulations” means regulations under section 33,

“funeral expense assistance regulations” means regulations under section 34,

*Changes to legislation: Social Security (Scotland) Act 2018, Section 86B is up to date with all changes known to be in force on or before 17 December 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*

“relevant figure” is to be construed in accordance with section [F<sup>6</sup>86A(3)].

#### Textual Amendments

- F1** S. 86B title substituted (11.10.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 7\(8\), 18\(2\)\(3\) \(with s. 8\); S.S.I. 2021/338, reg. 2](#)
- F2** S. 86B: s. 78 renumbered as s. 86B (11.10.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 7\(4\), 18\(2\)\(3\) \(with s. 8\); S.S.I. 2021/338, reg. 2](#)
- F3** Word in s. 86B(1) repealed (11.10.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 7\(7\)\(a\)\(i\), 18\(2\)\(3\) \(with s. 8\); S.S.I. 2021/338, reg. 2](#)
- F4** S. 86B(1)(e) and word inserted (11.10.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 7\(7\)\(a\)\(ii\), 18\(2\)\(3\) \(with s. 8\); S.S.I. 2021/338, reg. 2](#)
- F5** S. 86B(2) substituted (11.10.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 7\(7\)\(b\), 18\(2\)\(3\) \(with s. 8\); S.S.I. 2021/338, reg. 2](#)
- F6** Word in s. 86B(4) substituted (11.10.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 7\(7\)\(c\), 18\(2\)\(3\) \(with s. 8\); S.S.I. 2021/338, reg. 2](#)

**Changes to legislation:**

Social Security (Scotland) Act 2018, Section 86B is up to date with all changes known to be in force on or before 17 December 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.

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**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\(6\)](#)