



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 7

#### FINAL PROVISIONS

#### 96 Regulation-making powers

- (1) A power to make regulations conferred by this Act includes the power to make different provision for different purposes and areas.
- (2) Regulations under any of the following provisions are subject to the affirmative procedure: sections 11, 13, 22(1)(e), any section in Chapter 2 of Part 2 and sections 51, 52, <sup>F1</sup> ... <sup>F2</sup> ... 79, 81(8), 82, [<sup>F3</sup>84A,] 85(2)(g) and (5), 86 [<sup>F4</sup>, 87A] and 93 and paragraph 4(2)(c) of schedule 1.
- (3) Regulations under any of the following provisions are subject to the negative procedure: sections 41(4)(a) and 43(5) and paragraph 13(2) of schedule 1.
- (4) Regulations under section 95—
  - (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act (including this Act), but
  - (b) otherwise are subject to the negative procedure.
- (5) Regulations under section 22(1)(e), which modify the functions of the Scottish Commission on Social Security, may not be made after the Commission is established unless the Scottish Ministers have consulted the Commission about the modification.

#### Textual Amendments

- F1** Word in s. 96(2) repealed (11.11.2020) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), **ss. 14(4)(a)**, 18(1)
- F2** Word in s. 96(2) repealed (11.11.2020) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), **ss. 5(8)(a)**, 18(1) (with s. 6)
- F3** Word in s. 96(2) inserted (11.11.2020) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), **ss. 5(8)(b)**, 18(1) (with s. 6)
- F4** Word in s. 96(2) inserted (11.11.2020) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), **ss. 14(4)(b)**, 18(1)

**Changes to legislation:**

Social Security (Scotland) Act 2018, Section 96 is up to date with all changes known to be in force on or before 03 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 :**

- s. 96(2) words substituted by [2021 asp 20 s. 2\(b\)](#)
- s. 96(3) words substituted by [2020 asp 18 s. 2\(8\)](#)

**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\(6\)](#)