



Social Security (Scotland) Act 2018

2018 asp 9

PART 1

TENETS AND OVERSIGHT

Accountability

20 Annual report

- (1) As soon as practicable after the end of each financial year, the Scottish Ministers are to—
 - (a) lay before the Scottish Parliament, and
 - (b) make publicly available by such means as they consider appropriate, a report on the performance of the Scottish social security system in that year.
- (2) The report is to contain—
 - (a) information about the performance of the Scottish social security system in that year,
 - (b) a description of what the Scottish Ministers have done in that year to meet the expectations of them set out in the Scottish social security charter,
 - (c) an assessment of how the Scottish social security system has affected the circumstances of persons living in households whose income is adversely affected, or whose expenditure is increased, because a member of the household has one or more protected characteristics within the meaning of section 4 of the Equality Act 2010, and
 - (d) a description of the data for the purpose of monitoring equality of opportunity used in preparing the report.
- (3) The first report under this section is to include a plan setting out the Scottish Ministers' intentions to collect and publish data for the purpose of monitoring equality of opportunity where existing data sources are not sufficient for the preparation of the report.

21 Scottish Commission on Social Security

- (1) The Scottish Commission on Social Security is established.
- (2) The Commission is a body corporate.
- (3) Schedule 1 makes further provision about the Commission.

22 Commission functions

- (1) The Scottish Commission on Social Security has the following functions—
 - (a) to scrutinise legislative proposals in accordance with section 97,
 - (b) to prepare and submit to the Scottish Ministers a report on any matter, relevant to social security, that the Ministers request the Commission to report on,
 - (c) to prepare and submit to the Scottish Parliament a report on any matter, relevant to social security, that the Commission is requested to report on by the Parliament after the Parliament has resolved that the request should be made,
 - (d) to prepare and submit to the Ministers and the Parliament, from time to time, a report containing—
 - (i) an assessment of the extent to which any or all of the expectations set out in the Scottish social security charter are being fulfilled, and
 - (ii) recommendations for improvement where the assessment is that those expectations are not being fulfilled,
 - (e) any functions the Ministers confer on the Commission by regulations.
- (2) In performing any of the functions mentioned in subsection (1), the Commission may have regard to any relevant international human rights instruments (see also section 97(6)).
- (3) The Commission must make publicly available by such means as it considers appropriate any report that it prepares in pursuance of a function mentioned in subsection (1).
- (4) The Commission must consider preparing a report under subsection (1)(d) if it receives evidence which suggests that expectations set out in the charter are frequently not being fulfilled.
- (5) In subsection (2), “international human rights instruments”—
 - (a) means any international convention, treaty or other international instrument ratified by the United Kingdom, subject to—
 - (i) any amendments in force in relation to the United Kingdom for the time being, and
 - (ii) any reservations, objections or interpretative declarations by the United Kingdom for the time being in force, and
 - (b) includes, in particular, the International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966.