

These notes relate to the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (asp 18) which received Royal Assent on 10 November 2020

SOCIAL SECURITY ADMINISTRATION AND TRIBUNAL MEMBERSHIP (SCOTLAND) ACT 2020

EXPLANATORY NOTES

OVERVIEW

Part 1: Social Security Administration

Section 13: Power to set value of assistance as nil in certain circumstances

81. Section 13 of the Act inserts the following paragraphs into the schedules of the 2018 Act:
- paragraph 11A after paragraph 11 of schedule 2 (carer's assistance);
 - paragraph 14A after paragraph 14 of schedule 5 (disability assistance);
 - paragraph 11A after paragraph 11 of schedule 7 (employment-injury assistance); and
 - paragraph 10A after paragraph 10 of schedule 9 (housing assistance).
82. In each new paragraph, sub-paragraph (1) provides that in making provision in regulations about the value of the forms of assistance to which these schedules relate, the Scottish Ministers may provide that the value of assistance to be given to an individual in respect of a period is £0. Such provision must be framed by reference to:
- the individual being resident and present in a particular place during the period, or
 - the individual being in receipt of another type of assistance (whether under the 2018 Act or another enactment) during the period.
83. Sub-paragraph (2) of each new paragraph provides that the provision may be framed so as to apply by reference to further matters in addition to those mentioned in sub-paragraph (1)(b).
84. In accordance with sub-paragraph (1)(b) of each new paragraph, such provision may only be made where the Scottish Ministers consider that it is in the interests of the individuals to whom it applies to be entitled to assistance with a value of £0 in respect of a period, rather than not being entitled to that form of assistance at all.