
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 269 (C. 8)

SOCIAL SECURITY

The Social Security (Scotland) Act 2018 (Commencement No. 5, Revocation and Saving Provision) Regulations 2019

Made - - - - 26th August 2019
Laid before the Scottish
Parliament - - - - 28th August 2019
Coming into force - - 11th September 2019

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 98(4) and 99(2) and (3) of the Social Security (Scotland) Act 2018⁽¹⁾.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Scotland) Act 2018 (Commencement No. 5, Revocation and Saving Provision) Regulations 2019 and come into force on 11 September 2019.

(2) In these Regulations “the 2018 Act” means the Social Security (Scotland) Act 2018.

Appointed days

2. The day appointed for the coming into force of the following provisions of the 2018 Act is 11 September 2019—

- (a) section 34 (funeral expense assistance),
- (b) section 70 (liability of deceased’s estate), and
- (c) schedule 8 (provision about the exercise of the power to make funeral expense assistance regulations).

3. The day appointed for the coming into force of section 28 (carer’s assistance) and schedule 2 (provision about the exercise of the power to make carer’s assistance regulations) of the 2018 Act is 14 October 2019.

4. The day appointed for the coming into force of sections 77 and 78 (uprating for inflation) of the 2018 Act is 30 October 2019.

(1) 2018 asp 9.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Revocation

5. Section 98 of the 2018 Act (temporary disapplication of further procedure for regulations about assistance) is revoked.

Saving provision

6. Nothing in regulation 4 brings sections 77 and 78 into force for any purpose within exception 1 in Section F1 (benefits for disability and industrial injury) in Part 2 of schedule 5 of the Scotland Act 1998(2).

St Andrew's House,
Edinburgh
26th August 2019

SHIRLEY-ANNE SOMERVILLE
A member of the Scottish Government

(2) 1998 c.46. Section F1 was amended by sections 22 to 28 of the Scotland Act 2016 (c.11); of particular relevance to these Regulations is section 22(2) which inserted exception 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force provisions of the Social Security (Scotland) Act 2018 (“the 2018 Act”) on the days they appoint:

- (a) regulation 2 brings into force provisions relating to assistance with funeral expenses and creating a liability of a deceased person’s estate to repay to the Scottish Ministers the value of the assistance given, as a funeral expense,
- (b) regulation 3 brings into force provisions relating to assistance to be given to individuals who provide care to another individual who has a disability,
- (c) regulation 4 brings into force provisions that relate to uprating assistance provided under the 2018 Act for the effects of inflation.

Regulation 5 revokes section 98 of the 2018 Act. That section disapplied, on a temporary basis, the need to consult the Scottish Commission on Social Security on draft Regulations, as described in section 97(1) of the 2018 Act. The Commission specified 8 February 2019 as the date when the disapplication ceased.

Regulation 6 makes saving provision. This is to ensure that the commencement of sections 77 and 78 of the 2018 Act has no effect on the arrangements made by regulation 4(2)(a) of the Scotland Act 2016 (Transitional) Regulations 2017 (S.I. 2017/444). Those arrangements delay, for a transitional period, the transfer to the Scottish Ministers of the Secretary of State’s functions in relation to certain disability and industrial injury benefits.

The Bill for the 2018 Act received Royal Assent on 1 June 2018. Part 7 of the 2018 Act (sections 95 to 100: final provisions) came into force the following day.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Social Security (Scotland) Act 2018 have been brought into force by commencement Regulations made before the date of these Regulations:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 9	22 October 2018	S.S.I. 2018/298
Sections 15 to 20	22 October 2018	S.S.I. 2018/298
Sections 21 and 22	21 January 2019	S.S.I. 2018/393
Sections 23 to 27	22 October 2018	S.S.I. 2018/298
Section 32	10 December 2018	S.S.I. 2018/357
Sections 37 to 54	22 October 2018	S.S.I. 2018/298
Sections 56 to 59	22 October 2018	S.S.I. 2018/298
Sections to 61 to 69	22 October 2018	S.S.I. 2018/298
Sections 71 to 75	22 October 2018	S.S.I. 2018/298

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 76 (partially)	3 September 2018	S.S.I. 2018/250
Section 76 (fully)	22 October 2018	S.S.I. 2018/298
Sections 81 to 85	3 September 2018	S.S.I. 2018/250
Section 87	22 October 2018	S.S.I. 2018/298
Schedule 1	21 January 2019	S.S.I. 2019/393
Schedule 6	10 December 2018	S.S.I. 2018/357