
STATUTORY INSTRUMENTS

2013 No. 192

**The Scotland Act 1998 (Modification
of Schedule 5) (No. 2) Order 2013**

Social security: assistance for short term need and community care

2.—(1) In Part 2 of Schedule 5 to the Scotland Act 1998, Section F1 is amended as follows.

(2) In the Exceptions, at the end insert—

“Providing occasional financial or other assistance to or in respect of individuals for the purposes of—

- (a) meeting, or helping to meet, an immediate short term need—
 - (i) arising out of an exceptional event or exceptional circumstances, and
 - (ii) that requires to be met to avoid a risk to the well-being of an individual, or
- (b) enabling qualifying individuals to establish or maintain a settled home, and “qualifying individuals” means individuals who have been or, without the assistance, might otherwise be—
 - (i) in prison, hospital, a residential care establishment or other institution, or
 - (ii) homeless or otherwise living an unsettled way of life.

But the following are not excepted—

- (a) providing financial assistance for the purposes of meeting maternity expenses, funeral expenses or expenses for heating incurred due to cold weather,
- (b) the subject-matter of—
 - (i) section 138 of the Social Security Contributions and Benefits Act 1992 (payments out of the social fund)(1),
 - (ii) section 69 of the Child Support, Pensions and Social Security Act 2000 (discretionary housing payments)(2).”.

(3) In the Interpretation provision, at the end insert—

“Paragraph 5(1) of Part 3 of this Schedule does not apply to the subject-matter of—

- (a) section 138 of the Social Security Contributions and Benefits Act 1992, or
- (b) section 69 of the Child Support, Pensions and Social Security Act 2000.

The reference to the subject-matter of section 138 of the 1992 Act is to be construed as a reference to it as at 8th May 2012 and the reference to the subject-matter of section 69 of the 2000 Act is to be construed as a reference to it as at the date on which the Scotland Act (Modification of Schedule 5) (No. 2) Order 2013 ([S.I. 2013/192](#)) came into force; and if any amendment of section 69 of the 2000

(1) [1992 c.4](#). Section 138 was relevantly amended by the Social Security Act [1998 \(c.14\)](#), section 70(1) and (2) and by the Welfare Reform Act [2012 \(c.5\)](#), section 71.

(2) [2000 c.19](#).

Status: This is the original version (as it was originally made).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

Act made by the Welfare Reform Act 2012(3) is not in force on that date, it is to be treated as if it were.”.