
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for an increase in various values of forms of assistance payable by virtue of regulations made under the Social Security (Scotland) Act 2018 and make amendments to the Social Security (Invalid Care Allowance) Regulations 1976, the Social Security Benefit (Dependency) Regulations 1977 and the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019. The Regulations come into force on 1 April 2023, with the exception of regulations 2, 3, 6, 7 and 9, which come into force on 10 April 2022 and regulation 4 which comes into force on 3 April 2023.

Regulation 2 increases the value of Adult Disability Payment payable under the Disability Assistance for Working Age People (Scotland) Regulations 2022. Paragraph 1 of the schedule makes saving provision so that the previous value of this assistance is still payable in certain circumstances.

Regulation 3 increases the value of a transitional rate of Adult Disability Payment payable under the Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022. Paragraph 2 of the schedule makes saving provision so that the previous value of this assistance is still payable in certain circumstances.

Regulation 4 increases the income thresholds in the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019. This regulation also increases the amounts of the various values at which Best Start Food benefits are paid.

Regulation 5 increases the value of the three grants payable under the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018 (the pregnancy and baby grant, the early learning grant, and the school-age grant). Paragraph 4 of the schedule makes saving provision so that the previous value of this assistance is still payable in certain circumstances.

Regulation 6 amends regulation 8 of the Social Security (Invalid Care Allowance) Regulations 1976 (“the 1976 Regulations”) which increases the amount which a person eligible for payment of carer’s allowance from the Scottish Ministers can earn in a given week without being deemed to be gainfully employed and, therefore, losing their entitlement to carer’s allowance. The Social Security Amendment (Carer’s Allowance) Regulations 2002 ([S.I. 2002/2497](#)) replaces references to “Invalid Care Allowance” with references to “Carer’s Allowance” in certain legislative provisions, but “Invalid Care Allowance” remains part of the title of the 1976 Regulations for statutory purposes.

Regulation 7 increases the value of Child Disability Payment payable under the Disability Assistance for Children and Young People (Scotland) Regulations 2021. Paragraph 5 of the schedule makes saving provision so that the previous value of this assistance is still payable in certain circumstances.

Regulation 8 increases the amount of child winter heating assistance payable under the Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020. Paragraph 6 of the schedule makes saving provision so that the previous value of this assistance is still payable in certain circumstances.

Regulation 9 amends schedule 2 of the Social Security Benefit (Dependency) Regulations 1977. The effect is to increase the amount which the partner of a person eligible for payment of carer’s allowance from the Scottish Ministers can earn in a given week without the person receiving carer’s allowance losing any entitlement to what is payable by way of an additional payment where a recipient is entitled to receive child benefit in relation to a child or children. This addition is known as “child dependency increase” and is payable only to those with transitional protection. Child dependency increase was abolished by section 1(3)(e) and schedule 6 of the Tax Credits Act 2002

(c. 21) but saved for transitional cases by article 3 of the Tax Credits Act 2002 (Commencement No. 3 and Transitional Provisions and Savings) Order 2003 (S.I. 2003/938).

Regulation 10 increases the amounts of funeral expense assistance payable under the Funeral Expense Assistance (Scotland) Regulations 2019. Paragraph 7 of the schedule makes saving provision so that the previous values of this assistance are still payable in certain circumstances.

Regulation 11 increases the amount of winter heating payment payable under the Winter Heating Assistance (Low Income) (Scotland) Regulations 2023. Paragraph 8 of the schedule makes saving provision so that the previous value of this assistance is still payable in certain circumstances.

Regulation 12 increases the value of Young Carer Grant payable under the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019. Paragraph 9 of the schedule makes saving provision so that the previous value of this grant is still payable in certain circumstances.