

## **POLICY NOTE**

### **THE SOCIAL SECURITY (SCOTLAND) ACT 2018 (COMMENCEMENT NO. 2, TRANSITORY AND SAVING PROVISION AND COMMENCEMENT NO. 4 AND SAVING PROVISION) AMENDMENT REGULATIONS 2019**

#### **SSI 2019/406**

1. The above instrument is made by the Scottish Ministers in exercise of the powers conferred by section 99(2) and (3) of the Social Security (Scotland) Act 2018 (“the 2018 Act”). It is not subject to any Parliamentary procedure.

#### **Background**

2. The Bill for the 2018 Act received Royal Assent on 1 June 2018. Section 99 provides that, apart from Part 7, the Act’s provisions will come into force as provided for in commencement regulations and that such regulations may include transitional, transitory or saving provision. Part 7 came into force on 2 June 2018, the day after the Bill for the 2018 Act received Royal Assent.

3. The above regulations amend the saving provisions contained in the Social Security (Scotland) Act 2018 (Commencement No. 2, Transitory and Saving Provision) Regulations 2018 and the Social Security (Scotland) Act 2018 (Commencement No. 4 and Saving Provision) Regulations 2018, both of which commenced certain provisions of the 2018 Act.

#### **Policy Objective**

4. The legal effect of the amendments made by the above regulations is set out in the Explanatory Notes. The saving provisions need to be amended as they operated in accordance with the delay in transferring executive competence to the Scottish Ministers provided for by the Scotland Act 2016 (Transitional) Regulations 2017. However, those regulations have been amended by the Scotland Act 2016 (Transitional) (Amendment) Regulations 2019 which require the saving provisions to be amended.

5. The purpose of the above regulations is to allow the referral of the draft disability assistance regulations to the Scottish Commission on Social Security, in accordance with the procedure set out in section 97 of the 2018 Act, without triggering the transfer of executive competence to the Scottish Ministers in accordance with the transitional provisions as amended.

#### **Consultation**

6. No formal consultation was required to be carried out in relation to these regulations.

#### **Impact Assessment and Financial Effects**

7. The above instrument is an amendment to existing commencement regulations. There are therefore no impact assessments or direct financial effects.

Scottish Government  
Social Security Policy Division  
Social Security Directorate  
November 2019