
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 170

SOCIAL SECURITY

**The Social Security (Up-rating) (Miscellaneous
Amendment) (Scotland) Regulations 2021**

Made - - - - *24th March 2021*

Coming into force - - *1st April 2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 28(2), 30(2), 32(2), 34(2) and 95 of the Social Security (Scotland) Act 2018(1) and sections 70(8) and 90 of the Social Security Contributions and Benefits Act 1992(2) and all other powers enabling them to do so.

In accordance with section 96(2) of the Social Security (Scotland) 2018 Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

In accordance with section 97(2) of the Social Security (Scotland) Act 2018, the Scottish Ministers have informed the Scottish Commission on Social Security of their proposals, notified the Scottish Parliament that they have done so and made their proposals publicly available by such means as the Ministers consider appropriate.

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- (1) [2018 asp 9](#). The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#)). The Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.
- (2) [1992 c.4](#). The function of making regulations to amend the operation of the child dependency increase of carer's allowance was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 ([c.46](#)) as read with sections 22(2) and 32 of the Scotland Act 2016 ([c.11](#)). Section 22(2) of that Act inserted, amongst other things, exception 2 into the social security reservation of Head F1 of Part 2 of Schedule 5 of the Scotland Act 1998. Section 22(2) was brought into force on 17th May 2017 by [S.I. 2017/455](#), subject to transitional arrangements set out in [S.I. 2017/444](#), which provided that pre-commencement functions would not transfer to the Scottish Ministers until the occurrence of a specified event or date. The transitional arrangements in respect of carers' benefits were ended by the commencement of section 81 of the Social Security (Scotland) Act 2018 ([asp 9](#)) on 3rd September 2018 (see [S.S.I. 2018/250](#)). Accordingly, responsibility for the exercise of the functions exercisable by the Secretary of State in relation to carer's allowance as provided for in sections 70(8) and 90 of the Social Security Contributions and Benefits Act 1992 ([c.4](#)) has transferred to the Scottish Ministers as regards provision of those benefits to people residing in Scotland. Section 90 of that Act was amended by paragraph 26 of schedule 8 of the Welfare Reform and Pensions Act 1999 ([c.30](#)) and by article 2 of, and paragraphs 1 and 2 of the schedule of, [S.I. 2002/1457](#). Section 90 was repealed by schedule 6 to the Tax Credits Act 2002 ([c.21](#)) in respect of child dependency increases, subject to savings by article 3 of [S.I. 2003/938](#). Section 90 was repealed for remaining purposes by sections 15(1)(b) and 58(2)(a) of, and Part 2 of schedule 7 to, the Welfare Reform Act 2009 ([c.24](#)), subject to a saving by section 15(2)(b) of that Act.