
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 232 (C. 12)

SOCIAL SECURITY

The Social Security Administration and Tribunal Membership
(Scotland) Act 2020 (Commencement No. 2) Regulations 2021

<i>Made</i>	- - - -	<i>8th June 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>10th June 2021</i>
<i>Coming into force</i>	- -	<i>25th June 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 18(2) of the Social Security Administration and Tribunal Membership (Scotland) Act 2020⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (Commencement No. 2) Regulations 2021 and come into force on 25 June 2021.

Appointed day

2. 26 July 2021 is the day appointed for the coming into force of the following provisions of the Social Security Administration and Tribunal Membership (Scotland) Act 2020—

- (a) section 2(5) (guidelines for decisions about appointees),
- (b) section 3 (determination of entitlement to assistance: non-disclosure of information),
- (c) section 9 (duty to inform about possible eligibility),
- (d) section 10 (transitional provision in consequence of section 9),
- (e) section 11 (persons who can give diagnosis),
- (f) section 12 (power to suspend payment of assistance),
- (g) Section 13 (power to set value of assistance as nil in certain circumstances).

Status: This is the original version (as it was originally made).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

St Andrew's House,
Edinburgh
8th June 2021

BEN MACPHERSON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring sections 2(5), 3, 9, 10, 11, 12 and 13 of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (the “2020 Act”) into force on 26 July 2021.

Section 2(5) of the 2020 Act inserts new section 85C into the Social Security (Scotland) Act 2018 (“the 2018 Act”). Section 85C requires the Scottish Ministers to prepare and publish guidelines governing their decisions in connection with appointments under sections 85A and 85B of the 2018 Act.

Section 3 of the 2020 Act inserts new section 62A into the 2018 Act. Section 62A relates to non-disclosure of information about individual’s health in connection with the determination of an individual’s entitlement to assistance.

Section 9 of the 2020 Act amends section 53 of the 2018 Act. Section 53 of the 2018 Act places a duty on the Scottish Ministers to alert an individual if, in the process of making a determination, they identify that the individual may be eligible for other assistance. Sections 9 and 10 of the 2020 Act make provision to extend the duty currently in section 53 of the 2018 Act.

Section 11 of the 2020 Act amends schedule 5 of the 2018 Act which makes provision about regulations under section 31 of that Act in relation to disability assistance. The amendment relates to diagnosis of terminal illness given by appropriate healthcare professionals which are to be accepted as evidence of terminal illness for the purposes of disability assistance.

Section 12 of the 2020 Act amends sections 51 and 54 and inserts new schedule 11 into the 2018 Act and enables the Scottish Ministers to make provision in regulations about suspension of assistance.

Section 13 of the 2020 Act amends schedules 2, 5, 7 and 9 of the 2018 Act to enable the Scottish Ministers, when making regulations about the value of the forms of assistance to which these schedules relate, to make provision that, in certain circumstances, the value of assistance to be given to an individual in respect of a period is nil.

The Bill for the 2020 Act received Royal Assent on 10 November 2020. In accordance with section 18(1) of that Act, sections 1, 4, 5, 6, 14, 17, 18 and 19 came into force the following day.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provision of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 has been brought into force by commencement regulations made before the date of these Regulations—

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 2(4) (partially)	23 December 2020	S.S.I. 2020/422