
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 110

SOCIAL SECURITY

The Social Security Up-rating (Scotland) Order 2023

*Made - - - - 23rd March 2023
Coming into force in accordance with article 1(2), (3)
and (4)*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 150(9) and 150A(6) of the Social Security Administration Act 1992(1) and all other powers enabling them to do so.

As required by section 150(1)(a)(i)(2), 150(1)(b) and 150(1)(o)(3) of that Act, the Scottish Ministers have carried out a review and it appeared to them that the general level of prices was greater at the end of the period under review than it was at the beginning of the period.

As required by section 150A(1)(c)(4) of that Act, the Scottish Ministers have also carried out a review and it appeared to them that the general level of earnings was greater at the end of the period under review than it was at the beginning of the period.

In accordance with sections 150(2), 150A(2) and 190(1)(a)(5) of that Act a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

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- (1) 1992 c. 5. The function of making an order to up-rate or re-state the rate of carer's, disability and industrial injuries benefits 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 exceptions into the social security reservation in Head F1 of Part 2 of schedule 5 of the Scotland Act 1998 relating to carer's, disability and industrial injuries benefits. Section 22(2) was brought into force on 17 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 carer's benefits were ended by the commencement of section 81 of the Social Security (Scotland) Act 2018 (asp 9) on 3 September 2018 (see S.S.I. 2018/250). The transitional arrangements in respect of disability benefits and industrial injuries benefits ended on 31 March 2020 (see regulation 4 of S.I. 2017/444). Accordingly, in so far as the functions under sections 150 and 150A of the Social Security Administration Act 1992 (c. 5) ("the Administration Act") are exercisable within devolved competence for various benefits, they are now exercisable by the Scottish Ministers instead of by the Secretary of State. Subsections (1) and (4) of section 189 of the Administration Act make provision about the exercise of the powers conferred by that Act. Section 189(1) of that Act is amended by paragraph 109(a) of schedule 7, and schedule 8, of the Social Security Act 1998 (c. 14) ("the 1998 Act"), paragraph 57 of schedule 3 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and schedule 6 of the Tax Credits Act 2002 (c. 21). Section 189(4) of the Administration Act is amended by section 86, paragraph 109(c) of schedule 7, and schedule 8 of the 1998 Act and article 4 and Part 1 of the schedule of S.I. 2013/252.
- (2) Section 150(1)(a)(i) is substituted by section 6(2)(a) of the Pensions Act 2007 (c. 22).
- (3) Section 150(1)(o) is amended by paragraph 17 of schedule 9 of the Welfare Reform Act 2012 (c. 5).
- (4) Section 150A is inserted by section 5(1) of the Pensions Act 2007 and amended by paragraphs 8, 19 and 82 of schedule 12 of that Act and S.I. 2014/2888.
- (5) Section 190(1)(a) is amended by paragraph 27 of schedule 12 of the Pensions Act 2014 (c. 19).