



# Scotland Act 2016

## 2016 CHAPTER 11

### PART 3

#### WELFARE BENEFITS AND EMPLOYMENT SUPPORT

##### *Welfare benefits*

#### **23 Benefits for maternity, funeral and heating expenses**

(1) In Part 2 of Schedule 5 to the Scotland Act 1998, Section F1 is amended as follows.

(2) In the Exceptions, after exception 3 (see section 22(3) above) insert—

**“Exception 4**

Providing financial or other assistance for the purposes of meeting or reducing—

- (a) maternity expenses,
- (b) funeral expenses, or
- (c) expenses for heating in cold weather.”

(3) In the Exceptions, for the words from “But the following are not excepted” to “Act 2000 (discretionary housing payments).” substitute—

**“Exclusions from exceptions 1 to 10**

Nothing in exceptions 1 to 10 is to be read as excepting—

- (a) the National Insurance Fund,
- (b) the Social Fund, or
- (c) the provision by a Minister of the Crown of assistance by way of loan for the purpose of meeting, or helping to meet, an intermittent expense.”

(4) In the Interpretation provision, omit the words from “Paragraph 5(1) of Part 3 of this Schedule” to “it is to be treated as if it were.”

(5) In section 138 of the Social Security Contributions and Benefits Act 1992 (payments out of the social fund) after subsection (4) insert—

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*Status: This is the original version (as it was originally enacted).*

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- “(4A) This section has effect in or as regards Scotland as if—
- (a) references in subsections (1)(a) and (2) to the making of payments out of the social fund were to the making of payments by the Scottish Ministers,
  - (b) the reference in subsection (2) to the Secretary of State were to the Scottish Ministers, and
  - (c) the reference in subsection (4) to regulations were to regulations made by the Scottish Ministers.
- (4B) Where regulations are made by the Scottish Ministers under this section—
- (a) sections 175(2) and (7) and 176 do not apply, and
  - (b) the regulations are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (4C) The power to make an Order in Council under section 30(3) of the Scotland Act 1998 is exercisable for the purposes of this section as it is exercisable for the purposes of that Act.”