

2020 No. 989

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

SOCIAL SECURITY

**The Social Security (Scotland) Act 2018 (Young Carer Grants,
Short-Term Assistance and Winter Heating Assistance)
(Consequential Provision and Modifications) Order 2020**

<i>Made</i> - - - -	<i>9th September 2020</i>
<i>Laid before Parliament</i>	<i>16th September 2020</i>
<i>Coming into force</i> - -	<i>9th November 2020</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104 and 113(5) of the Scotland Act 1998(a).

PART 1

Introductory

Citation, commencement and extent

1.—(1) This Order may be cited as the Social Security (Scotland) Act 2018 (Young Carer Grants, Short-Term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2020.

(2) This Order comes into force on 9th November 2020.

(3) Each amendment made by this Order has the same extent as the provision being amended.

(a) 1998 c.46; section 104 was amended by section 12 of the Scotland Act 2012 (c.11), and by section 10(3) of the Scotland Act 2016 (c.11). There are amendments to section 113 which are not relevant to this Order.

PART 2

Young carer grants

Young carer grants: capital and income disregards

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(a) are amended as follows.

(2) In Schedule 10 (capital to be disregarded), after paragraph 76 insert—

“77. Any assistance given in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019(b).”.

Amendment of the Jobseeker’s Allowance Regulations 1996

3.—(1) The Jobseeker’s Allowance Regulations 1996(c) are amended as follows.

(2) In Schedule 8 (capital to be disregarded), after paragraph 69 insert—

“70. Any assistance given in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019.”.

Amendment of the State Pension Credit Regulations 2002

4.—(1) The State Pension Credit Regulations 2002(d) are amended as follows.

(2) In regulation 15(1) (social security benefits that are not prescribed as income for the purposes of section 15(1)(e) of the State Pension Credit Act 2002), after sub-paragraph (rd) insert—

“(re)any assistance given in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019;”.

(3) In Part 1 of Schedule 5 (capital disregarded for the purpose of calculating income), in paragraph 20(2), after paragraph (u) insert—

“(v) any assistance given in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019.”.

Amendment of the Housing Benefit Regulations 2006

5.—(1) The Housing Benefit Regulations 2006(e) are amended as follows.

(2) In Schedule 6 (capital to be disregarded), after paragraph 66 insert—

“67. Any assistance given in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019.”.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

6.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(f) are amended as follows.

(a) S.I. 1987/1967; relevant amending instrument is S.I. 2019/1060.

(b) S.S.I. 2019/324.

(c) S.I. 1996/207; relevant amending instrument is S.I. 2019/1060.

(d) S.I. 2002/1792; relevant amending instruments are S.I. 2019/1060, S.I. 2019/1314 and S.I. 2020/482.

(e) S.I. 2006/213; relevant amending instrument is S.I. 2019/1060.

(f) S.I. 2006/214; relevant amending instruments are S.I. 2017/870, S.I. 2019/1060, S.I. 2019/1314, and S.I. 2020/482.

- (2) In regulation 29 (meaning of “income”), after paragraph (1)(j)(xvii) insert—
“(xviii) any assistance given in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019;”.
- (3) In Part 1 of Schedule 6 (capital to be disregarded generally)—
- (a) in paragraph 21(2), after paragraph (t) insert—
“(u) any assistance given in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019.”,
- (b) after paragraph 26I insert—
“**26J.** Any sum paid by means of assistance in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019.”

Amendment of the Employment and Support Allowance Regulations 2008

- 7.—(1) The Employment and Support Allowance Regulations 2008(a) are amended as follows.
- (2) In Schedule 9 (capital to be disregarded), after paragraph 64 insert—
“**65.** Any assistance given in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019.”.

Amendment of the Universal Credit Regulations 2013

- 8.—(1) The Universal Credit Regulations 2013(b) are amended as follows.
- (2) In Schedule 10 (capital to be disregarded), after paragraph 22 insert—
“**23.** Any assistance given within the past 52 weeks in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019.”.

PART 3

Short-term assistance

Short-term assistance: capital and income disregards

Amendment of the Income Support (General) Regulations 1987

- 9.—(1) The Income Support (General) Regulations 1987(c) are amended as follows.
- (2) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), after paragraph 84 insert—
“**85.** Any short-term assistance given in accordance with regulations made under section 36 of the Social Security (Scotland) Act 2018.”.
- (3) In Schedule 10 (capital to be disregarded), in paragraph 7(1)(a), for “9, 76A or 84” substitute “9, 76A, 84 or 85”.

Amendment of the Jobseeker’s Allowance Regulations 1996

- 10.—(1) The Jobseeker’s Allowance Regulations 1996(d) are amended as follows.

(a) S.I. 2008/794; relevant amending instrument is S.I. 2019/1060.
(b) S.I. 2013/376; relevant amending instrument is S.I. 2019/1060.
(c) S.I. 1987/1967; relevant amending instruments are S.I. 2019/1060, S.I. 2019/1314 and S.I. 2020/482.
(d) S.I. 1996/207; relevant amending instruments are S.I. 2019/1060, S.I. 2019/1314 and S.I. 2020/482.

(2) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings), after paragraph 80 insert—

“**81.** Any short-term assistance given in accordance with regulations made under section 36 of the Social Security (Scotland) Act 2018.”

(3) In Schedule 8 (capital to be disregarded), in paragraph 12(1)(a), for “10, 72A or 80” substitute “10, 72A, 80 or 81”.

Amendment of the State Pension Credit Regulations 2002

11.—(1) The State Pension Credit Regulations 2002(a) are amended as follows.

(2) In regulation 15(1) (social security benefits that are not prescribed as income for the purposes of section 15(1)(e) of the State Pension Credit Act 2002) (as amended by articles 4(2) of this Order), after sub-paragraph (re) insert—

“(rf) short-term assistance given in accordance with regulations made under section 36 of the Social Security (Scotland) Act 2018;”

(3) In Part 1 of Schedule 5 (capital disregarded for the purpose of calculating income) (as amended by article 4(3) of this Order), in paragraph 20(2), after paragraph (v) insert—

“(w) short-term assistance given in accordance with regulations made under section 36 of the Social Security (Scotland) Act 2018;”

Amendment of the Housing Benefit Regulations 2006

12.—(1) The Housing Benefit Regulations 2006(b) are amended as follows.

(2) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings), after paragraph 71 insert—

“**72.** Any short-term assistance given in accordance with regulations made under section 36 of the Social Security (Scotland) Act 2018.”

(3) In Schedule 6 (capital to be disregarded), in paragraph 9(1)(a), for “8, 9 or 71” substitute “8, 9, 71 or 72”.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

13.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(c) are amended as follows.

(2) In regulation 29 (meaning of “income”) (as amended by articles 6(2) of this Order), after paragraph 1(j)(xviif) insert—

“(xviig) short-term assistance given in accordance with regulations made under section 36 of the Social Security (Scotland) Act 2018;”

(3) In Part 1 of Schedule 6 (capital to be disregarded generally), in paragraph 21(2) (as amended by articles 6(3)(a) of this Order), after paragraph (u) insert—

“(v) short-term assistance given in accordance with regulations made under section 36 of the Social Security (Scotland) Act 2018;”

Amendment of the Employment and Support Allowance Regulations 2008

14.—(1) The Employment and Support Allowance Regulations 2008(d) are amended as follows.

(a) S.I. 2002/1792; relevant amending instruments are S.I. 2019/1060, S.I. 2019/1314 and S.I. 2020/482.

(b) S.I. 2006/213; relevant amending instruments are S.I. 2019/1060, and S.I. 2020/482.

(c) S.I. 2006/214; relevant amending instruments are S.I. 2019/1060 and S.I. 2020/482.

(d) S.I. 2008/794; relevant amending instruments are S.I. 2019/1060, S.I. 2019/1314 and S.I. 2020/482.

(2) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), after paragraph 72 insert—

“73. Any short-term assistance given in accordance with regulations made under section 36 of the Social Security (Scotland) Act 2018.”

(3) In Schedule 9 (capital to be disregarded) (as amended by article 7(2) of this Order), in paragraph 11(1)(a), for “8, 10, 11, 66 or 72” substitute “8, 10, 11, 66, 72 or 73”.

PART 4

Winter heating assistance

Winter heating assistance: capital and income disregards

Amendment of the Income Support (General) Regulations 1987

15.—(1) The Income Support (General) Regulations 1987(a) are amended as follows.

(2) In Schedule 10 (capital to be disregarded) (as amended by article 2(2) of this Order), after paragraph 77 insert—

“78. Any winter heating assistance given in accordance with regulations made under section 30 of the Social Security (Scotland) Act 2018.”

Amendment of the Jobseeker’s Allowance Regulations 1996

16.—(1) The Jobseeker’s Allowance Regulations 1996(b) are amended as follows.

(2) In Schedule 8 (capital to be disregarded) (as amended by article 3(2) of this Order), after paragraph 70 insert—

“71. Any winter heating assistance given in accordance with regulations made under section 30 of the Social Security (Scotland) Act 2018.”

Amendment of the State Pension Credit Regulations 2002

17.—(1) The State Pension Credit Regulations 2002(c) are amended as follows.

(2) In regulation 15(1) (social security benefits that are not prescribed as income for the purposes of section 15(1)(e) of the State Pension Credit Act 2002) (as amended by articles 4(2) and 11(2) of this Order), after sub-paragraph (rf) insert—

“(rg) winter heating assistance given in accordance with regulations made under section 30 of the Social Security (Scotland) Act 2018;”

(3) In Part 1 of Schedule 5 (capital disregarded for the purpose of calculating income) (as amended by articles 4(3) and 11(3) of this Order), in paragraph 20(2), after sub-paragraph (w) insert—

“(x) winter heating assistance given in accordance with regulations made under section 30 of the Social Security (Scotland) Act 2018;”

Amendment of the Housing Benefit Regulations 2006

18.—(1) The Housing Benefit Regulations 2006(d) are amended as follows.

(a) S.I. 1987/1967; relevant amending instrument is S.I. 2019/1060.
(b) S.I. 1996/207; relevant amending instrument is S.I. 2019/1060.
(c) S.I. 2002/1792; relevant amending instruments are S.I. 2019/1060, S.I. 2019/1314 and S.I. 2020/482.
(d) S.I. 2006/213; relevant amending instruments is S.I. 2019/1060.

(2) In Schedule 6 (capital to be disregarded) (as amended by article 5(2) of this Order), after paragraph 67 insert—

“**68.** Any winter heating assistance given in accordance with regulations made under section 30 of the Social Security (Scotland) Act 2018.”.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

19.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(a) are amended as follows.

(2) In regulation 29 (meaning of “income”) (as amended by articles 6(2) and 13(2) of this Order), after paragraph 1(j)(xvii) insert—

“(xviii) “winter heating assistance given in accordance with regulations under section 30 of the Social Security (Scotland) Act 2018;”.

(3) In Part 1 of Schedule 6 (capital to be disregarded generally)—

(a) in paragraph 21(2) (as amended by articles 6(3)(a) and 13(3) of this Order), after paragraph (v) insert—

“(w) winter heating assistance given in accordance with regulations under section 30 of the Social Security (Scotland) Act 2018;”.

(b) after paragraph 26J (as inserted by article 6(3)(b) of this Order) insert—

“**26K.** Any sum paid by means of winter heating assistance in accordance with regulations under section 30 of the Social Security (Scotland) Act 2018.”

Amendment of the Employment and Support Allowance Regulations 2008

20.—(1) The Employment and Support Allowance Regulations 2008(b) are amended as follows.

(2) In Schedule 9 (capital to be disregarded) (as amended by articles 7(2) and 14(3) of this Order), after paragraph 65 insert—

“**66.** Any winter heating assistance given in accordance with regulations under section 30 of the Social Security (Scotland) Act 2018.”.

Amendment of the Universal Credit Regulations 2013

21.—(1) The Universal Credit Regulations 2013(c) are amended as follows.

(2) In Schedule 10 (capital to be disregarded) (as amended by article 8(2) of this Order), after paragraph 23 insert—

“**24.** Any winter heating assistance given within the past 52 weeks in accordance with regulations under section 30 of the Social Security (Scotland) Act 2018.”.

Alister Jack
Secretary of State

Office of the Secretary of State for Scotland

9th September 2020

(a) S.I. 2006/214; relevant amending instruments are S.I. 2017/870, S.I. 2019/1060, S.I. 2019/1314 and S.I. 2020/482.

(b) S.I. 2008/794; relevant amending instrument is S.I. 2019/1060.

(c) S.I. 2013/376; relevant amending instrument is S.I. 2019/1060.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends social security legislation in Great Britain as a consequence of sections 24 (duty to give assistance), 28 (carer's assistance), 30 (winter heating assistance), and 36 (short-term assistance) of the Social Security (Scotland) Act 2018 (asp 9) ("the 2018 Act"), and regulations made under section 28 of the 2018 Act. The regulations in relation to which consequential provision is made in this Order are the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019 (S.S.I. 2019/324), made under section 28 of the 2018 Act.

Article 1(2) provides that this Order comes into force on 9th November 2020.

Parts 2, 3, and 4 provide, respectively, for young carer grants, short-term assistance and winter heating assistance to be disregarded as capital or income in Great Britain when determining a claimant's entitlement to benefits under the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the State Pension Credit Regulations 2002 (S.I. 2002/1792), the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214), the Employment and Support Allowance Regulations 2008 (S.I. 2008/794) and (in Parts 2 and 4 only) the Universal Credit Regulations 2013 (S.I. 2013/376).

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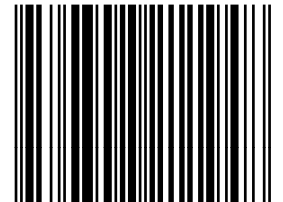
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