

**2024 No. 989**

**CONSTITUTIONAL LAW**  
**DEVOLUTION, SCOTLAND**  
**SOCIAL SECURITY**

**The Scotland Act 1998 (Agency Arrangements) (Specification)  
Order 2024**

<i>Made</i>	- - - -	<i>2nd October 2024</i>
<i>Laid before Parliament</i>		<i>4th October 2024</i>
<i>Laid before the Scottish Parliament</i>		<i>4th October 2024</i>
<i>Coming into force</i>		<i>21st November 2024</i>

At the Court at Buckingham Palace, the 2nd day of October 2024

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the powers conferred on Him by sections 93(3) and 113(3) of the Scotland Act 1998(a), is pleased, by and with the advice of His Privy Council, to order as follows:

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Scotland Act 1998 (Agency Arrangements) (Specification) Order 2024 and comes into force on 21st November 2024.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

**Specification of functions**

**2.** Any function of the Scottish Ministers to which article 3 or 4 applies is specified for the purposes of section 93(1) (agency arrangements) of the Scotland Act 1998.

**Functions relating to winter heating assistance**

**3.**—(1) This article applies to any function that is exercisable by the Scottish Ministers in relation to—

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(a) 1998 c. 46; section 93 was amended by the Scotland Act 2012 (c.11), section 23(3).

- (a) the determination of entitlement to winter heating assistance;
- (b) the making of process decisions in connection with winter heating assistance;
- (c) the making of payments for winter heating assistance;
- (d) over- and under-payments of winter heating assistance;
- (e) appeals in connection with winter heating assistance.

(2) In this article—

“determination of entitlement” means a determination of an individual’s entitlement to assistance under section 37 (duty to make determination) or section 43 (duty to re-determine) of the Social Security (Scotland) Act 2018(a);

“process decision” means any decision which an individual has the right to appeal against by virtue of section 61 (appeal to First-tier Tribunal against process decisions) of the Social Security (Scotland) Act 2018;

“winter heating assistance” means assistance given in accordance with regulations made under section 30 (winter heating assistance) of the Social Security (Scotland) Act 2018 which are in force on the day immediately before the day on which this Order comes into force, but does not include assistance given in accordance with—

- (a) the Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020(b); or
- (b) the Winter Heating Assistance (Low Income) (Scotland) Regulations 2023(c).

#### **Ancillary functions**

4.—(1) This article applies to any function that is—

- (a) conferred by an enactment; and
  - (b) exercisable by the Scottish Ministers in connection with a function to which article 3 applies;
- but only to the extent that it is so exercisable.

(2) For the avoidance of doubt, in paragraph (1)(a), “enactment” has the meaning given in section 126(1) (interpretation) of the Scotland Act 1998(d).

*Richard Tilbrook*  
Clerk of the Privy Council

#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Order paves the way for the Scottish Ministers and a Minister of the Crown to enter into agency arrangements, under which a Minister of the Crown can exercise certain social security functions relating to winter heating assistance on behalf of the Scottish Ministers. Any such arrangements would require to be agreed between a Minister of the Crown and the Scottish Ministers.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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(a) 2018 asp 9.  
 (b) S.S.I. 2020/352, to which there are amendments not relevant to this Order.  
 (c) S.S.I. 2023/16, to which there are amendments not relevant to this Order.  
 (d) There are amendments to section 126(1), but none affecting its definition of “enactment”.

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