Draft Regulations laid before the Scottish Parliament under section 96(2) of the Social Security (Scotland) Act 2018, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

SOCIAL SECURITY

The Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025

Made - - - - 2025

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 13 of the Social Security Act 1988([[1]](#footnote-2)), section 175(4) of the Social Security Contributions and Benefits Act 1992([[2]](#footnote-3)) and sections 28(2), 31(2), 32(2), 36(2), 51(1), 52, 79, 81(8) and 95 of the Social Security (Scotland) Act 2018([[3]](#footnote-4)) and all other powers enabling them to do so.

In accordance with section 13(2) of the Social Security Act 1988, the Scottish Ministers have consulted the Welsh Ministers([[4]](#footnote-5)).

In accordance with section 96(2) of the Social Security (Scotland) Act 2018, a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

In accordance with section 97(2) of the Social Security (Scotland) Act 2018, the Scottish Ministers have informed the Scottish Commission on Social Security of their proposals, notified the Scottish Parliament that they have done so and made their proposals publicly available by such means as they consider appropriate.

PART 1

Introductory

Citation and commencement

1. —(1) These Regulations may be cited as the Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025.
   1. Subject to paragraph (3), these Regulations come into force on 6 November 2025.
   2. Regulations 11(5), 11(8), 11(9), 12(2), 12(5) to (8), 17(1)(a), 17(1)(c), 17(1)(f), 17(1)(h), 17(2), 17(3), 17(5), 17(6), 18(1) to (3), 18(5) and 18(6) come into force on 23 February 2026.

Interpretation

1. In these Regulations—

“the Adult Disability Payment Regulations” means the Disability Assistance for Working Age People (Scotland) Regulations 2022([[5]](#footnote-6)),

“the Carer Support Payment Regulations” means the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023([[6]](#footnote-7)),

“the Child Disability Payment Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021([[7]](#footnote-8)),

“the Pension Age Disability Payment Regulations” means the Disability Assistance for Older People (Scotland) Regulations 2024([[8]](#footnote-9)),

“the Scottish Adult Disability Living Allowance Regulations” means the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025([[9]](#footnote-10)),

“the Scottish Child Payment Regulations” means the Scottish Child Payment Regulations 2020([[10]](#footnote-11)).

PART 2

Amendments

Amendment of the Social Security (Scotland) Act 2018

1. —(1) Section 81 of the Social Security (Scotland) Act 2018([[11]](#footnote-12)) (carer’s allowance supplement) is amended in accordance with paragraphs (2) to (5).
   1. In subsection (11)(b)(i)(C), omit “or”.
   2. In subsection (11)(b)(i)(D), for the second “and” substitute “or”.
   3. After subsection (11)(b)(i)(D), insert—

(E) the agreement constituted by the exchange of letters set out in the schedule of the Social Security (Gibraltar) Order 2024 (S.I. 2024/149) between the United Kingdom and Gibraltar, and.

* 1. In subsection (15), in paragraph (b) of the definition of “relevant EU Regulation”, after “subsection (11)(b)(i)(D)” insert “or subsection (11)(b)(i)(E)”.

Amendment of the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018

1. —(1) The Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018([[12]](#footnote-13)) are amended in accordance with paragraphs (2) to (4).
   1. In schedule 2 (pregnancy and baby grant), in paragraph 4(2) (residence requirement)—
      1. for head (aa), substitute—

(aa) a person who, or has a partner who, is habitually resident in the European Economic Area or Switzerland and has been granted indefinite or limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971([[13]](#footnote-14)) by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act (“the EU Settlement Scheme”),,

* + 1. after head (aa), insert—

(aaa) a person who has made a valid application for indefinite or limited leave to enter, or remain in, the United Kingdom under the EU Settlement Scheme and that application is pending a final decision,

(aab) a person who is a family member within the meaning of Article 9 of the EU withdrawal agreement,.

* 1. In schedule 3 (early learning grant), in paragraph 3(2) (residence requirement)—
     1. for head (aa), substitute—

(aa) a person who, or has a partner who, is habitually resident in the European Economic Area or Switzerland and has been granted indefinite or limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act (“the EU Settlement Scheme”),,

* + 1. after head (aa), insert—

(aaa) a person who has made a valid application for indefinite or limited leave to enter, or remain in, the United Kingdom under the EU Settlement Scheme and that application is pending a final decision,

(aab) a person who is a family member within the meaning of Article 9 of the EU withdrawal agreement,.

* 1. In schedule 4 (school-age grant), in paragraph 4(2) (residence requirement)—
     1. for head (aa), substitute—

(aa) a person who, or has a partner who, is habitually resident in the European Economic Area or Switzerland and has been granted indefinite or limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act (“the EU Settlement Scheme”),,

* + 1. after head (aa), insert—

(aaa) a person who has made a valid application for indefinite or limited leave to enter, or remain in, the United Kingdom under the EU Settlement Scheme and that application is pending a final decision,

(aab) a person who is a family member within the meaning of Article 9 of the EU withdrawal agreement,.

Amendment of the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019

1. —(1) The Welfare Foods (Best Start Foods) (Scotland) Regulations 2019([[14]](#footnote-15)) are amended in accordance with paragraph (2).
   1. In regulation 9(2) (residence requirement)—
      1. at the end of sub-paragraph (aa), insert “(“the EU Settlement Scheme”)”,
      2. after sub-paragraph (aa), insert—

(aaa) a person who has made a valid application for indefinite or limited leave to enter, or remain in, the United Kingdom under the EU Settlement Scheme and that application is pending a final decision,

(aab) a person who is a family member within the meaning of Article 9 of the EU withdrawal agreement,.

Amendment of the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019

1. —(1) The Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019([[15]](#footnote-16)) are amended in accordance with paragraph (2).
   1. In regulation 8 (conditions relating to residence)—
      1. in paragraph (5)(a)(i)—
         1. at the end of sub-head (cc), omit “or”,
         2. at the end of sub-head (dd), for “and” substitute “or”,
         3. after sub-head (dd), insert—

(ee) the agreement constituted by the exchange of letters set out in the schedule of the Social Security (Gibraltar) Order 2024([[16]](#footnote-17)) between the United Kingdom and Gibraltar, and,

* + 1. in paragraph (10), in paragraph (b) of the definition of “relevant EU Regulation” in paragraph (b), after “paragraph (5)(a)(i)(dd)”, insert “or paragraph (5)(a)(i)(ee)”.

Amendment of the Scottish Child Payment Regulations 2020

1. —(1) The Scottish Child Payment Regulations are amended in accordance with paragraphs (2) and (3).
   1. In regulation 19A (circumstances in which assistance may be suspended), for paragraph (2) substitute—

(2) Where such a decision is made in respect of an individual, payments of Scottish child payment to that individual are to be suspended until such time as the Scottish Ministers decide to end the suspension in accordance with regulation 19E..

* 1. In paragraph 25 of the schedule (obtaining information to make determination), after sub-paragraph (4), insert—

(5) A determination made in accordance with paragraph (4) takes effect on the date the individual’s Scottish child payment was suspended..

1. () 1988 c. 7. Section 13 was substituted by section 185(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) and amended by section 27(5) of the Scotland Act 2016 (c. 11) (“the 2016 Act”). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46) as read with section 32 of the 2016 Act. [↑](#footnote-ref-2)
2. () 1992 c. 4. Section 175(4) was amended by paragraph 29(4) of schedule 3 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). [↑](#footnote-ref-3)
3. () 2018 asp 9 (“the 2018 Act”). Schedules 2, 5, and 6 of the 2018 Act, respectively make provision about the exercise of powers under sections 28, 31, and 32. Section 79 of the 2018 Act was amended by section 4(2) of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (asp 18) (“the 2020 Act”). Schedule 2 of the 2018 Act was amended by section 13(2) of the 2020 Act. Schedule 5 of the 2018 Act was amended by sections 11(2)(a), 11(2)(b) and 13(3) of the 2020 Act. The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). These Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act. [↑](#footnote-ref-4)
4. () Functions conferred or imposed on the National Assembly for Wales immediately before the first appointment of a First Minister under section 46 of the Government of Wales Act 2006 (c. 32) by an enactment contained in an Act were transferred to the Welsh Ministers by paragraph 30(2)(c) of schedule 11 of that Act. [↑](#footnote-ref-5)
5. () S.S.I. 2022/54, relevantly amended by S.S.I. 2022/217, S.S.I. 2023/346, S.S.I. 2024/166 and S.S.I. 2025/3. [↑](#footnote-ref-6)
6. () S.S.I. 2023/302, relevantly amended by S.S.I. 2024/173. [↑](#footnote-ref-7)
7. () S.S.I. 2021/174, relevantly amended by S.S.I. 2021/416, S.S.I. 2022/41, S.S.I. 2022/217, S.S.I. 2023/346 and S.S.I. 2024/166. [↑](#footnote-ref-8)
8. () S.S.I. 2024/166. [↑](#footnote-ref-9)
9. () S.S.I. 2025/3. [↑](#footnote-ref-10)
10. () S.S.I. 2020/351, relevantly amended by S.S.I. 2022/41. [↑](#footnote-ref-11)
11. () 2018 asp 9. There are amendments to section 81 that are not relevant to these Regulations. [↑](#footnote-ref-12)
12. () S.S.I. 2018/370, relevantly amended by S.S.I. 2019/157 and S.S.I. 2020/399. [↑](#footnote-ref-13)
13. () 1971 c. 77. [↑](#footnote-ref-14)
14. () S.S.I. 2019/193, relevantly amended by S.S.I. 2023/371. [↑](#footnote-ref-15)
15. () S.S.I. 2019/324, relevantly amended by S.S.I. 2020/475. [↑](#footnote-ref-16)
16. () S.I. 2024/149. [↑](#footnote-ref-17)