
STATUTORY INSTRUMENTS

2020 No. 482

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

SOCIAL SECURITY

The Social Security (Scotland) Act 2018 (Information-Sharing and Scottish Child Payment) (Consequential Provision and Modifications) Order 2020

Made - - - - - *30th April 2020*

Laid before Parliament *6th May 2020*

Coming into force in accordance with article 1(2)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104 and 113(2) and (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 (Information-Sharing and Scottish Child Payment) (Consequential Provision and Modifications) Order 2020.

(2) This Order comes into force immediately after the coming into force of the first Regulations made under section 79 of the Social Security (Scotland) Act 2018(b).

(3) Except as provided in paragraph (4), this Order extends to the whole of the United Kingdom.

(4) 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 section 113 was amended by section 39 of the Scotland Act 2012. There are other amendments to section 113 not relevant to this Order.

(b) 2018 asp 9.

PART 3

Disregards and exception in relation to Scottish Child Payment

Amendment of the Income Support (General) Regulations 1987

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

(2) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), after paragraph 83 insert—

“**84.** Any Scottish child payment assistance given in accordance with section 79 of the Social Security (Scotland) Act 2018.”.

(3) In Schedule 10 (capital to be disregarded), in paragraph 7(1)(a), for “6, 8, 9 or 76A of Schedule 9” substitute “6, 8, 9, 76A or 84 of Schedule 9”.

Amendment of the Jobseeker’s Allowance Regulations 1996

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

(2) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings), after paragraph 79 insert—

“**80.** Any Scottish child payment assistance given in accordance with section 79 of the Social Security (Scotland) Act 2018.”.

(3) In Schedule 8 (capital to be disregarded), in paragraph 12(1)(a), for “7, 9, 10 or 72A of Schedule 7” substitute “7, 9, 10, 72A or 80 of Schedule 7”.

Amendment of the State Pension Credit Regulations 2002

5.—(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), after sub-paragraph (rc) insert—

“(rd) any Scottish child payment assistance given in accordance with section 79 of the Social Security (Scotland) Act 2018.”.

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

“(u) any Scottish child payment assistance given in accordance with section 79 of the Social Security (Scotland) Act 2018.”.

Amendment of the Housing Benefit Regulations 2006

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

(2) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings), after paragraph 70 insert—

“**71.** Any Scottish child payment assistance given in accordance with section 79 of the Social Security (Scotland) Act 2018.”.

(3) In Schedule 6 (capital to be disregarded), in paragraph 9(1)(a), for “6, 8 or 9 of Schedule 5” substitute “6, 8, 9 or 71 of Schedule 5”.

(a) S.I. 1987/1967, amended by S.I. 2019/1314. There are other amending instruments but none are relevant.

(b) S.I. 1996/207, amended by S.I. 2019/1314. There are other amending instruments but none are relevant.

(c) S.I. 2002/1792, to which there are amendments not relevant to this Order.

(d) S.I. 2006/213, to which there are amendments not relevant to this Order.

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

7.—(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”), after paragraph 1(j)(xviid) insert—

“(xviie) any Scottish child payment assistance given in accordance with section 79 of the Social Security (Scotland) Act 2018.”.

(3) In Part 1 of Schedule 6 (capital to be disregarded generally), in paragraph 21(2), after paragraph (s) insert—

“(t) any Scottish child payment assistance given in accordance with section 79 of the Social Security (Scotland) Act 2018.”.

Amendment of the Employment and Support Allowance Regulations 2008

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

(2) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), after paragraph 71 insert—

“**72.** Any Scottish child payment assistance given in accordance with the section 79 of the Social Security (Scotland) Act 2018.”.

(3) In Schedule 9 (capital to be disregarded), in paragraph 11(1)(a), for “8, 10, 11 or 66 of Schedule 8” substitute “8, 10, 11, 66 or 72 of Schedule 8”.

Alister Jack

Secretary of State

Office of the Secretary of State for Scotland

30th April 2020

(a) S.I. 2006/214, to which there are amendments not relevant to this Order.

(b) S.I. 2008/794; amended by S.I. 2019/1314. There are other amending instruments but none are relevant.

