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Social Security Committee Comataidh Tèarainteachd Sòisealta

Legislative Consent Memorandum considered by the Social Security Committee on 21 March 2019



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Social Security Committee

Legislative Consent Memorandum considered by the Social Security Committee on 21 March 2019, 5th Report, 2019 (Session 5)

Social Security Committee

To consider and report on matters relating to social security (including the delivery and payment of benefits that help address poverty) falling within the responsibility of the Cabinet Secretary for Social Security and Older People.



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Background

1. The Immigration and Social Security Co-ordination (EU Withdrawal) Bill was introduced to the House of Commons on 20 December 2018.
2. The Bill's main purpose is to end free movement of persons into the UK and make European Union (EU), European Economic Area (EEA) and Swiss nationals / family members subject to UK immigration controls. Part 2 of the Bill gives the Scottish Ministers powers to modify retained EU law on social security co-ordination. It is the devolved social security elements that are the subject of the LCM.
3. The Scottish Government lodged the memorandum on 8 March 2019 and advised it did not intend to lodge a legislative consent motion.

Committee Consideration

4. The memorandum was referred to the Social Security Committee as lead committee. At its meeting on 21 March, the Committee took evidence from the Cabinet Secretary for Social Security and Older People.
5. The Delegated Powers and Law Reform Committee considered the LCM at its meeting on Tuesday 19 March and [reported](#). We note that Committee's recommendation for greater clarity on the circumstances in which powers conferred on UK and Scottish Ministers concurrently, might be exercised by a UK Minister.

Conclusions

6. The Committee draws the Parliament's attention to the evidence taken from the Cabinet Secretary, notes the LCM and the Scottish Government's reasons for not lodging a legislative consent motion.

In doing so, the Committee notes that the position taken by the Scottish Government does not give rise to any risk to the devolved social security programme.

