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## **Social Security Committee Comataidh Tèarainteachd Sòisealta**

# **Subordinate legislation considered by the Social Security Committee on 17 December 2020**



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# 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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**Jeremy Balfour**  
Scottish Conservative  
and Unionist Party



**Keith Brown**  
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**Mark Griffin**  
Scottish Labour



**Rachael Hamilton**  
Scottish Conservative  
and Unionist Party



**Alison Johnstone**  
Scottish Green Party



**Shona Robison**  
Scottish National Party

# The Carer's Allowance Supplement and Young Carer Grants (Residence Requirements and Procedural Provisions) (EU Exit) (Scotland) Regulations 2020 [draft]

1. The Carer's Allowance Supplement and Young Carer Grants (Residence Requirements and Procedural Provisions) (EU Exit) (Scotland) Regulations 2020 [draft] were laid before the Parliament on 30 November 2020 and referred to the Social Security Committee.
2. The regulations are subject to the affirmative procedure (Rule 10.6) and it is for the Social Security Committee to recommend to Parliament whether they should be approved.
3. The regulations allow the Carer's Allowance Supplement and the Young Carer Grant to be claimed by residents in the EEA who are in a 'cross-border' situation – such as having moved from the UK to an EU state. They must have 'a genuine and sufficient link' to Scotland and be protected by the Withdrawal Agreement.
4. Allowing such claims ensures that these benefits comply with the current EU rules on social security co-ordination. These co-ordination rules continue to apply to people protected by the Withdrawal Agreement.
5. The Delegated Powers and Law Reform Committee considered the regulations at its meeting on 8 December 2020 and did not raise any issues.
6. Following the evidence session, Shirley-Anne Somerville moved motion S5M-23567

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That the Carer's Allowance Supplement and Young Carer Grants (Residence Requirements and Procedural Provisions) (EU Exit) (Scotland) Regulations 2020 [draft] be approved.

The motion was agreed to without division.

7. The evidence taken can be found in the Official Report for 17 December 2020.

The Social Security Committee recommends to the Parliament that the Carer's Allowance Supplement and Young Carer Grants (Residence Requirements and Procedural Provisions) (EU Exit) (Scotland) Regulations 2020[draft] be approved.

# The First-tier Tribunal for Scotland Social Security Chamber and Upper Tribunal for Scotland (Allocation of Functions, Procedure and Composition) (Miscellaneous Amendments) Regulations 2020 [draft]

8. The First-tier Tribunal for Scotland Social Security Chamber and Upper Tribunal for Scotland (Allocation of Functions, Procedure and Composition) (Miscellaneous Amendments) Regulations 2020 [draft] were laid before the Parliament on 12 November 2020 and referred to the Social Security Committee.
9. The regulations are subject to the affirmative procedure (Rule 10.6) and it is for the Social Security Committee to recommend to Parliament whether they should be approved.
10. The regulations extend the remit of the Social Security Chamber of the First-tier Tribunal and Upper Tribunal to be able to take appeals on Carer's Allowance Supplement from outside the UK.
11. The Delegated Powers and Law Reform Committee considered the regulations at its meeting on 24 November 2020 and did not raise any issues.
12. Following the evidence session, Shirley-Anne Somerville moved motion S5M-23353

That the First-tier Tribunal for Scotland Social Security Chamber and Upper Tribunal for Scotland (Allocation of Functions, Procedure and Composition) (Miscellaneous Amendments) Regulations 2020 [draft] be approved.

The motion was agreed to without division.

13. The evidence taken can be found in the Official Report for 17 December 2020.

The Social Security Committee recommends to the Parliament that The First-tier Tribunal for Scotland Social Security Chamber and Upper Tribunal for Scotland (Allocation of Functions, Procedure and Composition) (Miscellaneous Amendments) Regulations 2020 [draft] be approved.

# The Scottish Child Payment Amendment Regulations 2021 [draft]

14. The Scottish Child Payment Amendment Regulations 2021 [draft] were laid before the Parliament on 26 November 2020 and referred to the Social Security Committee.
15. The regulations are subject to the affirmative procedure (Rule 10.6) and it is for the Social Security Committee to recommend to Parliament whether they should be approved.
16. The regulations make the following minor technical amendments to the principal regulations:
  - Confirm that eligibility for SCP continues where a client receives a nil award for a qualifying benefit due to sanctions imposed by the UK Government, or deductions for liabilities (e.g. overpayment of a benefit paid by DWP).
  - Clarify that a person would not be eligible for SCP if they receive a nil award of a qualifying benefit for any reason other than sanctions or deductions for liabilities.
  - Align the date of payment for additional children with a client's existing payment cycle. This means that the first payment for an additional child will be received on the same day as the ongoing entitlement, and if this first payment period includes a part-week, a full week's SCP payment will be made.
17. The Delegated Powers and Law Reform Committee considered the regulations at its meeting on 8 December 2020 and did not raise any issues.
18. Following the evidence session, Shirley-Anne Somerville moved motion S5M-23673

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That the Social Security Committee recommends that the Scottish Child Payment Amendment Regulations 2021 [draft] be approved.

The motion was agreed to without division.

19. The evidence taken can be found in the Official Report for 17 December 2020.

The Social Security Committee recommends to the Parliament that The Scottish Child Payment Amendment Regulations 2021 [draft] be approved.



