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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 406**

**SOCIAL SECURITY**

**The Social Security (Scotland) Act 2018 (Commencement No. 2, Transitory and Saving Provision and Commencement No. 4 and Saving Provision) Amendment Regulations 2019**

*Made* - - - - 27th November 2019  
*Laid before the Scottish Parliament* - - - - 28th November 2019  
*Coming into force* - - 10th December 2019

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 99(2) and (3) of the Social Security (Scotland) Act 2018<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

**1.** These Regulations may be cited as the Social Security (Scotland) Act 2018 (Commencement No. 2, Transitory and Saving Provision and Commencement No. 4 and Saving Provision) Amendment Regulations 2019 and come into force on 10 December 2019.

**Amendment of the Social Security (Scotland) Act 2018 (Commencement No. 2, Transitory and Saving Provision) Regulations 2018**

**2.—(1)** The Social Security (Scotland) Act 2018 (Commencement No. 2, Transitory and Saving Provision) Regulations 2018<sup>(2)</sup> are amended in accordance with paragraph (2).

(2) For regulation 3(2) (saving provision) substitute—

“(2) Nothing in regulation 2(1)(a) brings a provision into force for any purpose within exception 1(a) insofar as it relates to industrial injuries benefits or 1(c) in section F1 (benefits for disability and industrial injury) in Part 2 of schedule 5 of the Scotland Act 1998<sup>(3)</sup>.

(3) Nothing in regulation 2(1)(b) to (n) brings a provision into force for any purpose within exception 1 in Section F1 (benefits for disability and industrial injury) in Part 2 of schedule 5 of the Scotland Act 1998.”.

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(1) 2018 asp 9.

(2) S.S.I. 2018/298.

(3) 1998 c.46. Section F1 was amended by sections 22 to 28 of the Scotland Act 2016 (c.11). Section 22(2) of that Act inserted exception 1.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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### **Amendment of the Social Security (Scotland) Act 2018 (Commencement No. 4 and Saving Provision) Regulations 2018**

**3.—(1)** The Social Security (Scotland) Act 2018 (Commencement No. 4 and Saving Provision) Regulations 2018<sup>(4)</sup> are amended in accordance with paragraph (2).

(2) For regulation 3 (saving provision) substitute—

“**3.** Nothing in regulation 2 brings a provision into force for any purpose within exception 1(a) insofar as it relates to industrial injuries benefits or 1(c) in section F1 (benefits for disability and industrial injury) in Part 2 of schedule 5 of the Scotland Act 1998<sup>(5)</sup>.”.

St Andrew’s House,  
Edinburgh  
27th November 2019

*SHIRLEY-ANNE SOMERVILLE*  
A member of the Scottish Government

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<sup>(4)</sup> [S.S.I. 2018/393](#).

<sup>(5)</sup> [1998 c.46](#). Section F1 was amended by sections 22 to 28 of the Scotland Act [2016 \(c.11\)](#). Section 22(2) of that Act inserted exception 1.

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## EXPLANATORY NOTE

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

These Regulations make amendments to the Social Security (Scotland) Act 2018 (Commencement No. 2, Transitory and Saving Provision) Regulations 2018 (“the first principal instrument”) and the Social Security (Scotland) Act 2018 (Commencement No. 4 and Saving Provision) Regulations 2018 (“the second principal instrument”) both of which commenced certain provisions of the Social Security (Scotland) Act 2018 (“the 2018 Act”).

Both the first principal instrument and the second principal instrument contain a saving provision to ensure that the commencement of the provisions in those instruments, respectively, had no effect on the arrangements made by regulation 4(2)(a) of the Scotland Act 2016 (Transitional) Regulations 2017 (“the 2017 Regulations”). Those arrangements delay, for a transitional period, the transfer to the Scottish Ministers of the Secretary of State’s functions in relation to certain disability and industrial injury benefits. The 2017 Regulations are to be amended by the Scotland Act 2016 (Transitional) (Amendment) Regulations 2019 with the effect that paragraph 4(2)(a) does not apply where sections 1, 2, 21 or 22 or schedule 1 of the Social Security (Scotland) Act 2018 come into force for purposes related to disability assistance which is defined in section 31 of the 2018 Act.

This means that sections 1, 2, 21 or 22 or schedule 1 may have effect for the purposes of disability assistance, without triggering the transfer of executive competence. These Regulations therefore amend the saving provisions made in connection with commencement of those provisions of the 2018 Act as they are no longer required insofar as they relate to disability assistance. The saving provisions now only apply to exception 1(a) insofar as it relates to industrial injuries benefits or 1(c) in section F1 (benefits for disability and industrial injury) in Part 2 of schedule 5 of the Scotland Act 1998.

Regulation 2(2) substitutes new saving provisions in the first principal instrument to address the amendment to section 4(2)(a) of the 2017 Regulations. Regulation 3(2) substitutes a new saving provision in the second principal instrument to address the amendment to section 4(2)(a) of the 2017 Regulations.