



Social Security (Scotland) Act 2018

2018 asp 9

PART 2

GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

CHAPTER 7

UPRATING FOR INFLATION

77 Duty to consider effects of inflation

- (1) Before the end of each financial year, the Scottish Ministers must—
 - (a) calculate the inflation-adjusted level of each relevant figure,
 - (b) prepare a report that complies with subsection (2),
 - (c) lay a copy of the report before the Scottish Parliament, and
 - (d) make the report publicly available by such means as the Ministers consider appropriate.
- (2) A report prepared under subsection (1)(b) complies with this subsection if it—
 - (a) states what the Scottish Ministers have most recently calculated to be the inflation-adjusted level of each relevant figure,
 - (b) explains how the Ministers calculated the inflation-adjusted levels, and
 - (c) states what (if anything) the Ministers have done, or intend to do, in light of their calculations and their reasons for that decision.
- (3) In this section, “relevant figure” means—
 - (a) a figure prescribed in regulations under any section in Chapter 2 as the value, or part of the value, of the assistance that is to be given to an individual, but
 - (b) not a figure which is so prescribed to apply only in respect of periods that have ended, or events that occurred, before a particular date.
- (4) The inflation-adjusted level of a figure prescribed in regulations is to be calculated for the purposes of this Chapter as follows—

Status: Point in time view as at 30/10/2019.

Changes to legislation: Social Security (Scotland) Act 2018, CHAPTER 7 is up to date with all changes known to be in force on or before 02 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

$$f \times \left(1 + \frac{i}{100} \right)$$

where—

f is the figure prescribed, and

i is the number of percentage points which the Scottish Ministers consider reflects the change in the general level of relevant prices since a copy of a report was last laid before the Scottish Parliament under subsection (1)(c).

- (5) It is for the Scottish Ministers to decide what prices are “relevant prices” in terms of subsection (4).
- (6) For the purposes of preparing the first report under subsection (1)(b), the reference in subsection (4) to the last time a copy of a report was laid before the Scottish Parliament is to be read as a reference to the date on which the figure in question was prescribed.

Commencement Information

II S. 77 in force at 30.10.2019 by [S.S.I. 2019/269](#), [reg. 4](#) (with [reg. 6](#))

78 Duty to uprate carer's, disability, employment-injury and funeral expense assistance

- (1) Before the end of each financial year, having calculated in accordance with section 77 the inflation-adjusted level of each relevant figure prescribed in—
 - (a) the carer's assistance regulations,
 - (b) the disability assistance regulations,
 - (c) the employment-injury assistance regulations, and
 - (d) the funeral expense assistance regulations,
 the Scottish Ministers must bring forward legislation to replace any relevant figure prescribed in those regulations which is, in their opinion, materially below its inflation-adjusted level with a figure of at least that level (subject to any rounding they think appropriate).
- (2) For the purpose of subsection (1), bringing forward legislation means laying before the Scottish Parliament for approval by resolution a draft Scottish statutory instrument (or instruments) containing regulations under each power mentioned in subsection (4).
- (3) If the Scottish Parliament approves a draft instrument laid before it by the Scottish Ministers in fulfilment of their duty under subsection (1), the Ministers must make the regulations contained in the draft instrument.
- (4) In this section—
 - “carer's assistance regulations” means regulations under section 28,
 - “disability assistance regulations” means regulations under section 31,
 - “employment-injury assistance regulations” means regulations under section 33,
 - “funeral expense assistance regulations” means regulations under section 34,
 - “relevant figure” is to be construed in accordance with section 77(3).

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Commencement Information

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