



Social Security (Scotland) Act 2018

2018 asp 9

PART 3

SUPPLEMENTING ASSISTANCE UNDER OTHER ENACTMENTS

Top up of reserved benefits

79 Power to provide for top up

- (1) The Scottish Ministers may by regulations provide for financial assistance to be given to an individual who—
 - (a) is entitled to a reserved benefit, and
 - (b) appears to the Scottish Ministers to require financial assistance (in addition to any amount the individual receives by way of reserved benefit) for the purpose, or one of the purposes, for which the benefit is being provided.
- (2) The power conferred by subsection (1) includes the power to make provision about—
 - (a) determining entitlement (including specifying further eligibility rules that are to be used to determine whether an individual is entitled to the assistance),
 - (b) the amount of assistance,
 - (c) applications for assistance,
 - (d) obtaining information,
 - (e) appeals,
 - (f) assistance given in error.
- (3) In this section and section 80, “reserved benefit” means a benefit which is to any extent a reserved matter within the meaning of schedule 5 of the Scotland Act 1998.

Commencement Information

11 S. 79 in force at 1.5.2020 by S.S.I. 2020/127, reg. 2(1)(a)

Status: Point in time view as at 27/05/2020.

Changes to legislation: Social Security (Scotland) Act 2018, PART 3 is up to date with all changes known to be in force on or before 26 July 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)

80 Restrictions on power

- (1) Regulations under section 79 may not provide for financial assistance to be given to meet or help to meet housing costs.
- (2) Regulations under section 79 may not provide for financial assistance to be given where the need for the assistance arises solely from reduction, non-payability or suspension of a reserved benefit as a result of an individual's conduct (for example, non-compliance with work-related requirements relating to the benefit).
- (3) But subsection (2) does not prevent assistance from being given where the need for the assistance in question—
 - (a) also arises from some exceptional event or exceptional circumstances, and
 - (b) is immediate.

Commencement Information

I2 S. 80 in force at 1.5.2020 by S.I. 2020/127, reg. 2(1)(b)

Carer's allowance: temporary provision

81 Carer's allowance supplement

- (1) The Scottish Ministers must make a payment (a “carer's allowance supplement”) to qualifying individuals in respect of each of the following periods of each financial year—
 - (a) 1 April to 30 September, and
 - (b) 1 October to 31 March.
- (2) A qualifying individual is an individual who, on the qualifying date, was—
 - (a) in receipt of a carer's allowance under section 70 of the Social Security Contributions and Benefits Act 1992, and
 - (b) resident in Scotland.
- (3) The qualifying date is a date determined by the Scottish Ministers falling within the period to which the payment relates.
- (4) The amount of a carer's allowance supplement is to be calculated according to the following formula [^{F1}(but see also subsection (4A))][—]

$$(JSA - CA) \times 26$$

where—

JSA is whichever is the higher of—

- (a) the weekly amount specified in regulation 79(1)(c) of the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) as it has effect on the qualifying date, and
- (b) that amount as it would have effect on the qualifying date if it were adjusted for inflation in accordance with subsection (5), and

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CA is the weekly rate of carer's allowance specified in Part 3 of schedule 4 of the Social Security Contributions and Benefits Act 1992 as it has effect in Scotland on the qualifying date.

[^{F2}(4A) The amount of a carer's allowance supplement in respect of the period of 1 April 2020 to 30 September 2020 is £230.10 greater than that calculated according to the formula in subsection (4).]

- (5) The Scottish Ministers must, before the start of each new tax year, beginning with the first new tax year beginning after this section comes into force—
 - (a) calculate what the weekly amount specified in regulation 79(1)(c) of the Jobseeker's Allowance Regulations 1996 (“the JSA Regulations”) would be if it were adjusted for inflation,
 - (b) publish a statement explaining how they have calculated inflation for this purpose.
- (6) In calculating the amount for the purpose of subsection (5)(a), the Scottish Ministers may take account of any change in the weekly amount specified in regulation 79(1)(c) of the JSA Regulations since this section came into force.
- (7) For the purposes of subsection (5), a tax year means a period beginning with 6 April in one year and ending with 5 April in the next.
- (8) The Scottish Ministers may by regulations modify this section so as to modify who is a qualifying individual for the purposes of this section.

Textual Amendments

- F1** Words in s. 81(4) inserted (temp.) (27.5.2020) by virtue of [Coronavirus \(Scotland\) \(No.2\) Act 2020 \(asp 10\)](#), s. 16(1), [sch. 1 para. 6\(2\)\(a\)](#) (with s. 9) (which affecting provision expires (30.9.2021 at the end of the day) by [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), [ss. 2\(8\)\(b\)](#), 11(2))
- F2** S. 81(4A) inserted (temp.) (27.5.2020) by virtue of [Coronavirus \(Scotland\) \(No.2\) Act 2020 \(asp 10\)](#), s. 16(1), [sch. 1 para. 6\(2\)\(b\)](#) (with s. 9) (which affecting provision expires (30.9.2021 at the end of the day) by [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), [ss. 2\(8\)\(b\)](#), 11(2))

Commencement Information

- I3** S. 81 in force at 3.9.2018 by [S.S.I. 2018/250](#), [reg. 2\(1\)](#) (with [reg. 3](#))

82 Power to repeal temporary provision

The Scottish Ministers may by regulations—

- (a) repeal section 81 and revoke any regulations made under it, and
- (b) repeal this section.

Commencement Information

- I4** S. 82 in force at 3.9.2018 by [S.S.I. 2018/250](#), [reg. 2\(1\)](#) (with [reg. 3](#))

Status:

Point in time view as at 27/05/2020.

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