

SCOTTISH STATUTORY INSTRUMENTS

2018 No. 275

SOCIAL SECURITY

The Social Security Appeals (Expenses and Allowances) (Scotland) Regulations 2018

Made - - - - *11th September 2018*
Laid before the Scottish
Parliament - - - - *13th September 2018*
22nd November
Coming into force - - *2018*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 95 of the Social Security (Scotland) Act 2018^{M1} and all other powers enabling them to do so.

Marginal Citations

M1 [2018 asp 9](#).

Citation and commencement

1. These Regulations may be cited as the Social Security Appeals (Expenses and Allowances) (Scotland) Regulations 2018 and come into force on 22nd November 2018.

Interpretation

2. In these Regulations—

“electronic communication” has the meaning given to it by section 15(1) of the Electronic Communications Act 2000^{M2};

“hearing” means an oral hearing and includes a hearing conducted in whole or in part by video link, telephone or other means of instantaneous two-way electronic communication; and

“party” means a person who is an appellant or a respondent in proceedings described in regulation 3(1).

Marginal Citations

M2 [2000 c.7](#); [section 15\(1\)](#) was amended by the [Communications Act 2003 \(c.21\)](#), [schedule 17](#), paragraph 158.

Payment of expenses

3.—(1) Paragraph (2) applies to proceedings relating to the exercise by the Scottish Ministers of functions conferred on them [^{F1}by the Social Security (Scotland) Act 2018, by regulations made under that Act or by the Carer’s Allowance Supplement and Young Carer Grants (Residence Requirements and Procedural Provisions) (EU Exit) (Scotland) Regulations 2020, before]—

- (a) the First-tier Tribunal for Scotland Social Security Chamber; or
- (b) the Upper Tribunal for Scotland.

(2) The Scottish Courts and Tribunals Service may pay a party and any witness cited to attend a hearing—

- (a) expenses in respect of travel and subsistence;
- (b) allowances for loss of remunerative time,

reasonably incurred as a result of attending the hearing.

(3) Paragraph (2) does not apply to a representative of the Scottish Ministers.

(4) Expenses and allowances are to be paid at such level, and under such circumstances, as the Scottish Ministers may determine.

Textual Amendments

- F1** Words in [reg. 3\(1\)](#) substituted (24.12.2020) by [The Carer’s Allowance Supplement and Young Carer Grants \(Residence Requirements and Procedural Provisions\) \(EU Exit\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/475\)](#), [reg. 1](#), [sch. 2 para. 15\(2\)](#)

St Andrew's House,
Edinburgh

S SOMERVILLE
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make ancillary provision under the Social Security (Scotland) Act 2018. They enable a scheme to be administered for the payment of certain expenses and allowances of attendance where a hearing is held in connection with a social security appeal. This encompasses hearings relating to Scottish Ministers' exercise of functions under the Social Security (Scotland) Act 2018, or regulations made under that Act which create a right of appeal. Expenses are to be payable, in appropriate circumstances, to parties (other than representatives of the Scottish Ministers) and to any witnesses cited to attend hearings of the Social Security Chamber of the First-tier Tribunal for Scotland, or the Upper Tribunal for Scotland. Travel and subsistence expenses may be payable, as may allowances towards loss of earnings, where the loss or expense is reasonably incurred as a result of attending the hearing.

A Partial Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government Social Security Directorate.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security Appeals (Expenses and Allowances) (Scotland) Regulations 2018.