
DRAFT STATUTORY INSTRUMENTS

2021 No.

The Scotland Act 2016 (Social Security) (Consequential Provision) (Miscellaneous Amendment) Regulations 2021

PART 6

Amendment of secondary legislation: England and Wales, and Scotland

Appointees

Amendment of the Social Security (Claims and Payments) Regulations 1987

9.—(1) The Social Security (Claims and Payments) Regulations 1987(1) are amended as follows.

(2) In regulation 2(1) (interpretation)(2), after the definition of “the 2013 Regulations” insert—
““the 2018 Scotland Act” means the Social Security (Scotland) Act 2018;”.

(3) After regulation 33(1A) (persons unable to act)(3) insert—

“(1B) Where a natural person over the age of 18 has been appointed by the Scottish Ministers under a qualifying appointment pursuant to the 2018 Scotland Act in connection with the determination of assistance under section 24 of that Act (whether or not including an appointment to receive assistance on behalf of the individual), the Secretary of State may, if the person agrees, treat that person as if she had appointed them under paragraph (1).

(1C) In paragraph (1B), a qualifying appointment means—

- (a) an appointment made under section 58(1) of the 2018 Scotland Act in a case where section 58(4) of that Act applies, or
- (b) an appointment made under section 85B(1)(4) of the 2018 Scotland Act in a case where section 85B(7) of that Act applies.”.

(4) After regulation 43(1) (children) insert—

“(1A) Subject to paragraph (1B), where a person has been appointed by the Scottish Ministers under section 85A(1) of the 2018 Scotland Act(5) in connection with the determination of assistance under section 24 of that Act (whether or not including an appointment to receive assistance on behalf of the child), the Secretary of State may, if the person agrees, treat that person as if she had appointed them under paragraph (1).

(1B) Paragraph (1A) does not apply if the person appointed by the Scottish Ministers does not satisfy the conditions in paragraph (2).”.

(1) [S.I. 1987/1968](#).

(2) The definition of “the 2013 Regulations” was inserted by regulations 2(1) and (2) of [S.I. 2013/1508](#).

(3) Regulation 33(1A) was inserted by regulations 7(1) and 7(7)(b) of [S.I. 2005/337](#), amended by regulation 5 of and Schedule 2 to [S.I. 2006/217](#) and substituted by regulation 4 of and Schedule 2 to [S.I. 2013/458](#).

(4) Section 85B was inserted by section 2(4) of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 ([2020 asp 18](#)).

(5) Section 85A was inserted by section 1 of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 ([2020 asp 18](#)).

Amendment of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013

10.—(1) The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013⁽⁶⁾ are amended as follows.

(2) After regulation 57(1) (persons unable to act) insert—

“(1A) Where a natural person over the age of 18 has been appointed by the Scottish Ministers under a qualifying appointment pursuant to the 2018 Scotland Act in connection with the determination of assistance under section 24 of that Act (whether or not including an appointment to receive assistance on behalf of the individual), the Secretary of State may, if the person agrees, treat that person as if the Secretary of State had appointed that person under paragraph (1).

(1B) In paragraph (1A) a qualifying appointment means—

- (a) an appointment made under section 58(1) of the 2018 Scotland Act in a case where section 58(4) of that Act applies, or
- (b) an appointment made under section 85B(1) of the 2018 Scotland Act in a case where section 85B(7) of that Act applies.

(1C) In this regulation “the 2018 Scotland Act” means the Social Security (Scotland) Act 2018.”.

⁽⁶⁾ S.I. 2013/380.