
STATUTORY INSTRUMENTS

2021 No. 230

The Social Security (Claims and Payments, Employment and Support Allowance, Personal Independence Payment and Universal Credit) (Telephone and Video Assessment) (Amendment) Regulations 2021

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Social Security (Claims and Payments, Employment and Support Allowance, Personal Independence Payment and Universal Credit) (Telephone and Video Assessment) (Amendment) Regulations 2021 and come into force on 25th March 2021.

(2) Regulations 2 and 5 extend to England and Wales only⁽¹⁾.

(3) Regulations 3, 4 and 6 extend to England and Wales, and Scotland.

(1) The provisions being amended by regulations 2 and 5 extend to England, Wales and Scotland. This instrument departs from the usual presumption that amendments will have the same extent and application as the provisions amended because the Secretary of State does not have executive competence to exercise functions in relation to Industrial Injuries Disablement Benefit (IIDB) and Personal Independence Payment (PIP) as regards Scotland. The functions of the Secretary of State under section 190 of the Social Security Administration Act 1992 and sections 83 and 94 of the Welfare Reform Act 2012, as regards Scotland, transferred to the Scottish Ministers on 1 April 2020. This is in accordance with regulations 3 and 4 of the Scotland Act 2016 (Transitional) Regulations 2017/444, which provide for functions conferred on the Secretary of State by a pre-commencement enactment that would be within the legislative competence of the Scottish Parliament by virtue of exception 1 in reservation F1 in Schedule 5 to the Scotland Act 1998 (c. 46) (social security schemes) to transfer to the Scottish Ministers on that date; and section 32 of the Scotland Act 2016 (c. 11) which provides the meaning of “pre-commencement enactment” in this context. To ensure that regulation 26 of the Social Security (Claims and Payments) Regulations 1979 and regulation 9 of the Social Security (Personal Independence Payment) Regulations 2013 continue to operate identically across England and Wales and Scotland, the Scottish Ministers are making parallel regulations, (the Social Security (Industrial Injuries Benefit and Personal Independence Payment) (Telephone and Video Assessment) (Miscellaneous Amendments) (Scotland) Regulations 2021), in identical terms to these Regulations to come into force on 25th March 2021.