POLICY NOTE

THE SCOTTISH CHILD PAYMENT (SAVING PROVISIONS) REGULATIONS 2022

SSI 2022/302

The above instrument was made in exercise of the powers conferred by section 95 of the Social Security (Scotland) Act 2018(**1**) and all other powers enabling Scottish Ministers to do so. The instrument is subject to negative procedure.

These Regulations make savings provisions in connection with the amendments made by the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 ("the amending Regulations") to the Scottish Child Payment Regulations 2020 ("the Scottish Child Payment Regulations"). These Regulations come into force on 14 November 2022.

These savings provisions are required to come into force on the same day as the amending Regulations to ensure that the higher weekly rate of £25 only applies to periods of entitlement which fall on or after 14th November 2022, and an individual's entitlement to a double payment of Scottish Child Payment where a child dies does not apply where the child in question dies before 14th November 2022.

Policy Objectives

The policy intention is that the higher weekly rate of £25 should only apply to periods of entitlement which fall on or after 14 November 2022, and an individual's entitlement to a double payment of Scottish Child Payment where their child dies does not apply where the child in question dies before 14 November 2022.

The Scottish Government has identified that ancillary provisions will be required to ensure that the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 operate correctly when a decision is made in relation to an individual's application or redetermination or following an appeal.

Consultation

The Scottish Commission on Social Security (SCoSS) carried out a period of scrutiny in relation to the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022. The Scottish Government response to their scrutiny report was laid in the Scottish Parliament alongside the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 on 20 September 2022.

Ahead of drafting the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 we consulted with members of the Five Family Payments Reference Group, which comprises third sector, NHS and local government representation.

(**1**) 2018 asp 9.

There is no requirement to consult SCoSS on the Scottish Child Payment (Saving Provisions) Regulations 2022, however the Scottish Government has made SCoSS aware of its intention to make these Regulations.

Impact Assessments

These provisions align the legislation with the policy intent which has been impacted when we prepared a full set of impact assessments to accompany the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022. No further assessments have been carried out to accompany this instrument. The following impact assessments were completed:

- A Children's Rights and Wellbeing Impact Assessment
- An Equalities Impact Assessment
- A Business and Regulatory Impact Assessment
- An Islands Screening Assessment
- A Fairer Scotland Duty Impact Assessment
- A Data Protection Impact Assessment

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed for the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022. The impact of this policy on business is limited and no quantifiable financial effects have been identified.

These Regulations do not have further impact on business and so a separate BRIA is not necessary. The Cabinet Secretary for Social Justice, Housing and Local Government confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Social Security Directorate
25 October 2022