SCOTTISH STATUTORY INSTRUMENTS

2025 No. 119 (C. 13)

SOCIAL SECURITY

The Social Security (Amendment) (Scotland) Act 2025 (Commencement No. 1 and Saving and Transitional Provisions) Regulations 2025

Made - - - -	*23rd April 2025*
Laid before the Scottish Parliament	*25th April 2025*
Coming into force - -	*10th May 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 27(2) and (3) of the Social Security (Amendment) (Scotland) Act 2025(**a**) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Amendment) (Scotland) Act 2025 (Commencement No. 1 and Saving and Transitional Provisions) Regulations 2025 and come into force on 10 May 2025.

(2) In these Regulations—

"the Act" means the Social Security (Amendment) (Scotland) Act 2025, and

"the 2018 Act" means the Social Security (Scotland) Act 2018(**b**).

Appointed day

2. 10 May 2025 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the schedule (the subject matters of which are described in column 2 of that table).

Saving provision: section 9 of the Act

3.—(1) Paragraph (2) applies where the First-tier Tribunal for Scotland has heard evidence in an appeal under section 46(1) of the 2018 Act at a hearing before 10 May 2025 and adjourns or continues that hearing to a date on or after 10 May 2025.

(2) Despite the coming into force of section 9 of the Act, section 49 of the 2018 Act as it applied immediately before 10 May 2025 continues to apply for the purposes of—

(a) that appeal under section 46(1) of the 2018 Act,

(b) any onward appeal against the decision of the First-tier Tribunal in that appeal.

(**a**) 2025 asp 2.
(**b**) 2018 asp 9, relevantly amended by the Social Security (Amendment) (Scotland) Act 2025 (asp 2).

(3) In this regulation, "hearing" has the same meaning as in rule 1 of the First-tier Tribunal for Scotland Social Security Chamber Rules of Procedure 2018(**a**).

Transitional and savings provisions: section 22 of the Act

4. Despite the coming into force of section 22 of the Act, paragraph 12 of schedule 1 of the 2018 Act continues to apply in relation to each financial year up to and including the financial year ending with 31 March 2025.

5. Despite section 22 of the Act coming into force on a date that falls within the financial year ending with 31 March 2026, paragraph 12(1)(b) and (c) of schedule 1 of the 2018 Act does not apply in relation to the period starting on 1 April 2025 and ending on the day appointed by regulation 2.

Transitional provision: section 23 of the Act

6. Despite the coming into force of section 23 of the Act, the Scottish Commission on Social Security is not required to prepare a report mentioned in section 22(4A) of the 2018 Act relating to any period before 1 April 2025.

SHIRLEY-ANNE SOMERVILLE
A member of the Scottish Government

St Andrew's House,
Edinburgh
23rd April 2025

(**a**) The First-tier Tribunal for Scotland Social Security Chamber Rules of Procedure 2018 are set out in the schedule of S.S.I. 2018/273 to which there are amendments not relevant to these Regulations.

SCHEDULE

Regulation 2

Column 1 *Provision*	*Column 2* *Subject matter*
Section 2	Care experience assistance
Section 9	Determinations as part of appeal
Section 17	Duty to uprate assistance for inflation
Section 20	Scrutiny of regulations by the Commission
Section 21	Removal of Commission's status as body corporate
Section 22	Removal of Commission's accounting and auditing duties
Section 23	Duty on Commission to publish annual report

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring sections 2, 9, 17, 20, 21, 22, and 23 of the Social Security (Scotland) (Amendment) Act 2025 ("the Act") into force on 10 May 2025.

Section 2 of the Act inserts section 93A (Scheme to provide care experience assistance) into the Social Security (Scotland) Act 2018 ("the 2018 Act"), giving a regulation-making power to the Scottish Ministers to create a scheme providing for financial assistance for individuals with experience of being in the care system, known as "care experience assistance".

Section 9 of the Act amends section 49 (First-tier Tribunal's power to determine entitlement) of the 2018 Act to make clear that the First-tier Tribunal must not take into account circumstances which did not exist at the relevant time but may take into account circumstances which existed but were not known at the relevant time.

Section 17 of the Act amends sections 86A (duty to consider effects of inflation) and 86B (duty to uprate assistance) of the 2018 Act. Section 17 extends section 86A of the 2018 Act to include assistance created under the care experience assistance power in section 2 of the Act. It also extends section 86B to include all Scottish social security payments delivered under the 2018 Act.

Section 20 amends section 97 (further procedure for regulations about assistance) of the 2018 Act to extend the types of regulations to be subject to scrutiny by the Commission.

Section 21 of the Act repeals the Commission's status as a body corporate under section 21(2) of the 2018 Act.

Section 22 repeals paragraph 12 of schedule 1 of the 2018 Act and removes the Commission's accounting and auditing duties.

Section 23 creates a new annual reporting duty for the Commission by amending section 22 of the 2018 Act on the Commission's functions.

Regulations 3, 4, 5 and 6 make transistional and savings provisions in respect of the commencement of sections 9, 22 and 23, respectively.

The Bill for the Act received Royal Assent on 23 January 2025. Sections 24, 25, 26, 27 and 28 of the Act came into force on the day after Royal Assent in accordance with section 27(1) of the Act.

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