

Social Justice and Social Security Committee

SSI cover note

6th Meeting, (Session 6), 30 September 2021

Title of Instrument: [The Social Security \(Claims and Payments\)
\(Miscellaneous Amendment\) \(Scotland\)](#)

Regulations 2021

Laid Date: 10 September 2021

Reporting deadline: 1 November 2021

Type of instrument: Negative

Parliamentary procedure:

Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. This means they become law unless they are annulled by the Parliament. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds).

Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument.

If the motion is agreed to by the lead committee, the Parliamentary Bureau must then lodge a motion to annul the instrument to be considered by the Parliament as a whole. If that motion is also agreed to, the Scottish Ministers must revoke the instrument.

If the Parliament resolves to annul an SSI then what has been done under authority of the instrument remains valid but it can have no further legal effect. Following a resolution to annul an SSI the Scottish Ministers (or other responsible authority) must revoke the SSI (make another SSI which removes the original SSI from the statute book.) Ministers are not prevented from making another instrument in the same terms and seeking to persuade the Parliament that the second instrument should not be annulled.

The Committee is asked to consider and agree on whether it has concluded its consideration of this instrument.

Background and Purpose

1. These regulations make amendments to the Social Security (Claims and Payments) Regulations 1987 and the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance

(Claims and Payments) Regulations 2013. The amendments will have the effect of allowing large payments of arrears of devolved disability benefits to Scottish clients to be paid in instalments, with the consent of the client.

2. This will only be done if the person agrees to the payment of the arrears in instalments. The aim is to mitigate the risk of vulnerable clients using the lump sum in a way that may be harmful to them.
3. Further details are included in the Scottish Government's [Policy Note](#).

Delegated Powers and Law Reform Committee consideration

4. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [21 September 2021](#), and made no recommendations in relation to this instrument.

For decision

5. The Committee is invited to consider any issues it wishes to raise regarding this instrument.

Note by the Clerk

27 September 2021