

# Social Security (Amendment) (Scotland) Bill

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## Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 26

Long Title

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 1

**Shirley-Anne Somerville**

- 2 In section 1, page 2, line 7, after <on> insert <pregnancy or>

### After section 2

**Jeremy Balfour**

- 3\* After section 2, insert—

#### <Winter heating assistance

- (1) The Scottish Ministers must make regulations under section 30(2) of the 2018 Act to provide eligibility rules for winter heating assistance which include that individuals in receipt of—
- (a) the higher rate of Attendance Allowance, or
  - (b) the higher rate of Pension Age Disability Payment,
- are entitled to winter heating assistance.

- (2) In this section—

“Attendance Allowance” means an allowance under section 64 of the Social Security Contributions and Benefits Act 1992,

“Pension Age Disability Payment” means a payment under the Disability Assistance for Older People (Scotland) Regulations 2024.>

**Paul O'Kane**

- 21 After section 2, insert—

#### <Winter heating assistance: pension age

- (1) The Scottish Ministers must make regulations under section 30(2) of the 2018 Act to provide eligibility rules for winter heating assistance which include that individuals of pensionable age are entitled to winter heating assistance.

- (2) Notwithstanding paragraph 4 of schedule 4 of the 2018 Act, such regulations must not make an individual of pensionable age’s eligibility depend on either or both the individual and anyone who lives with the individual—
  - (a) being, or not being, in receipt of another type of assistance (whether under this Act or another enactment),
  - (b) being, or not being, eligible or entitled to receive such assistance.
- (3) Such regulations must come into force no later than 30 November 2025.
- (4) In this section, “pensionable age” has the meaning given by the rules in paragraph 1 of schedule 4 of the Pensions Act 1995 (equalisation of and increase in pensionable age for men and women).>

**Paul O’Kane**

22 After section 2, insert—

**<Winter heating assistance: recovery of sums paid**

- (1) The 2018 Act is modified as follows.
- (2) In schedule 4, after Part 2 insert—

**“PART 2A**

RECOVERY OF SUMS PAID

**9A Recovery of sums paid on basis of income**

The regulations may allow for all or part of any payment made to an individual as winter heating assistance to be recovered by the Scottish Ministers where the income of either or both the individual and anyone who lives with the individual exceeds a specified amount.”.>

**Section 3A**

**Shirley-Anne Somerville**

4 In section 3A, page 7, line 22, at end insert—

<( ) In schedule 6 (early years assistance regulations), after paragraph 6 insert—

“6A If the regulations include provision of the kind mentioned in paragraph 6(a), they may make provision about the circumstances in which an application made after the deadline specified in the regulations may be treated as if it had been made by that deadline.”.>

**Section 7**

**Jeremy Balfour**

5 In section 7, page 11, line 32, leave out subsections (3) and (4)

**Jeremy Balfour**

6 In section 7, page 12, line 2, leave out <(b)> and insert <(a)>

**Jeremy Balfour**

- 7 In section 7, page 12, line 2, leave out <37> and insert <43>

**Jeremy Balfour**

- 8 In section 7, page 12, leave out line 3

**Shirley-Anne Somerville**

- 9 In section 7, page 12, line 6, leave out <after error in determining assistance> and insert <during appeal>

**Shirley-Anne Somerville**

- 10 In section 7, page 12, line 7, leave out <after error in determining assistance> and insert <during appeal>

**Shirley-Anne Somerville**

- 11 In section 7, page 12, line 15, leave out <given> and insert <entitled to>

**Shirley-Anne Somerville**

- 12 In section 7, page 12, leave out lines 26 to 31

**Jeremy Balfour**

- 13 In section 7, page 13, leave out lines 1 and 2

**Jeremy Balfour**

- 14 In section 7, page 13, line 4, leave out from <should> to <re-determination> in line 6

**Shirley-Anne Somerville**

- 15 In section 7, page 13, line 12, leave out <for error> and insert <under section 49A>

**After section 7**

**Shirley-Anne Somerville**

- 16 After section 7, insert—

*<Determinations as part of appeal>*

**Determinations as part of appeal**

- (1) The 2018 Act is modified as follows.
- (2) In section 49 (First-tier Tribunal’s power to determine entitlement)—
  - (a) the existing words become subsection (1),
  - (b) after that subsection insert—

- “(2) In exercising its power under subsection (1), the First-tier Tribunal—
- (a) must not take into account any circumstances which did not exist at the relevant time, but
  - (b) may take into account circumstances which existed but were not known at the relevant time.
- (3) In this section—
- “the relevant time” means the time at which the individual’s entitlement fell to be determined, under the applicable regulations, by the Scottish Ministers in making the original determination under section 37 in relation to that entitlement,
- “the applicable regulations” means the regulations made under the section in Chapter 2 that describes the type of assistance in question.”.>

## Section 8

### Jeremy Balfour

- 17 In section 8, page 14, line 10, after <decisions),> insert <—  
( )>

### Jeremy Balfour

- 18 In section 8, page 14, line 32, at end insert—  
<( ) subsections (4) and (5) are repealed.>

## After section 15

### Shirley-Anne Somerville

- 1 After section 15, insert—

### <PART

#### UPRATING ASSISTANCE FOR INFLATION

#### **Duty to uprate assistance for inflation**

- (1) The 2018 Act is modified as follows.
- (2) In section 86A(3)(a) (duty to consider effects of inflation)—
  - (a) the “or” following sub-paragraph (i) is repealed,
  - (b) for “but” following sub-paragraph (ii) substitute “or”,
  - (c) after sub-paragraph (ii), insert—
    - “(iii) section 93A, but”.
- (3) In section 86B (duty to uprate certain types of assistance)—
  - (a) in subsection (1)—
    - (i) for “77” substitute “86A”,

- (ii) the words from first “prescribed” to “2020” are repealed,
  - (iii) the words “prescribed in those regulations” are repealed,
  - (b) in subsection (4), the words from “— “carer’s”” to “34” are repealed.
- (4) The title of section 86B becomes “**Duty to uprate assistance**”.>

### **Section 17**

#### **Shirley-Anne Somerville**

- 19** In section 17, page 50, line 9, column 2, at end insert—

<Pension Age Disability Payment>

### **After section 21**

#### **Jeremy Balfour**

- 23\*** After section 21, insert—

#### **<PART**

#### **KEY PERFORMANCE INDICATORS**

#### **Key performance indicators for Social Security Scotland**

- (1) The 2018 Act is modified as follows.

- (2) Before section 20, insert—

#### **“19A Key performance indicators**

The Scottish Ministers may, by regulations, specify key performance indicators for the Scottish social security system.”.

- (3) After section 20(2)(a), insert—

“(aa) performance against key performance indicators,”.

- (4) After section 20(3), insert—

“(4) For the purposes of this section, “key performance indicators” are indicators specified by the Scottish Ministers in regulations under section 19A.”.>

### **Section 24**

#### **Jeremy Balfour**

- 24** In section 24, page 53, line 2, after <13(3),> insert <19A,>



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