

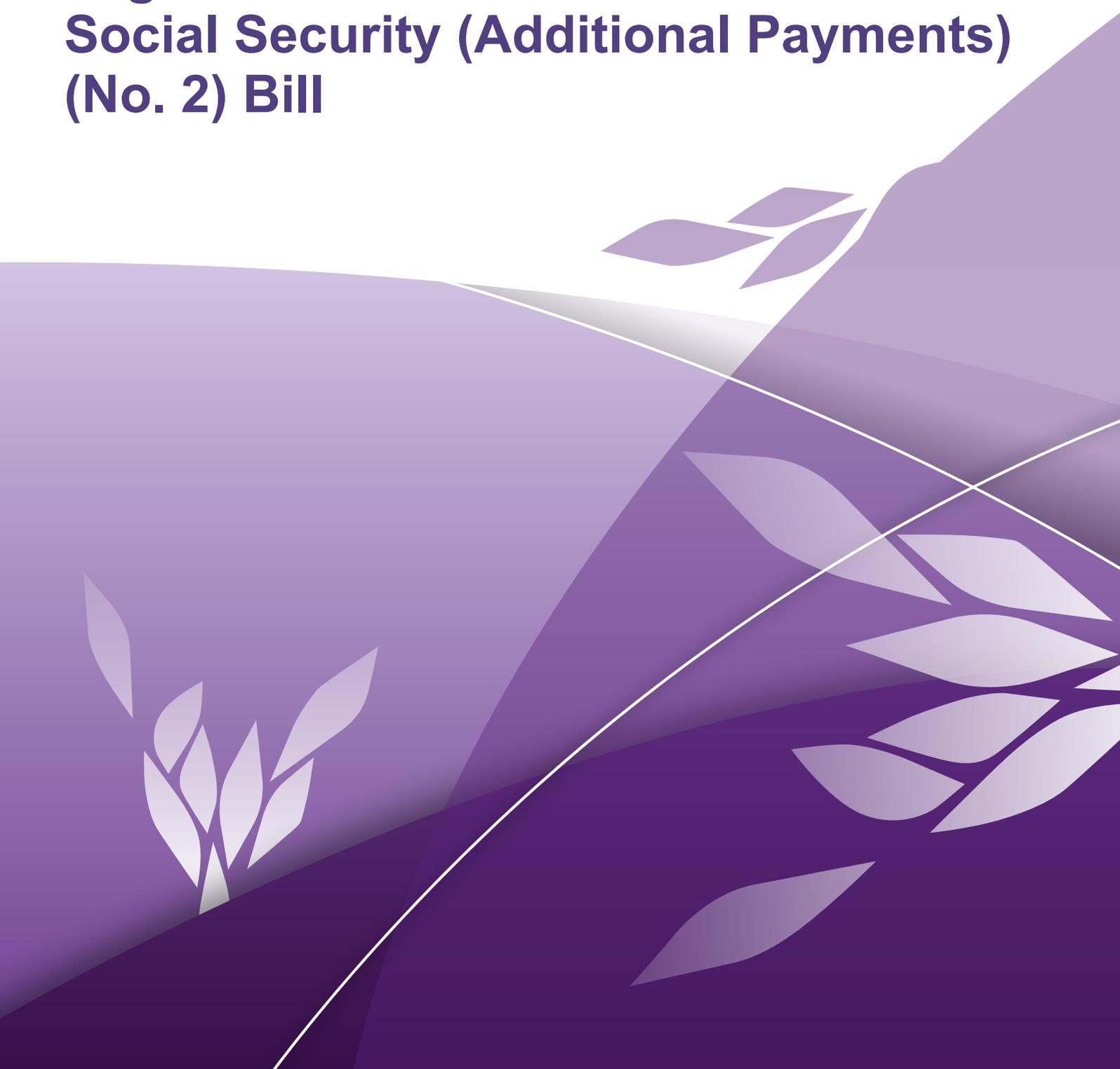


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Pàrlamaid na h-Alba

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## **Social Justice and Social Security Committee**

# **Legislative Consent Memorandum - Social Security (Additional Payments) (No. 2) Bill**



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# **Social Justice and Social Security Committee**

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning.



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and Unionist Party



**Pam Duncan-Glancy**  
Scottish Labour

# Introduction

1. [The Social Security \(Additional Payments\) \(No. 2\) Bill](#) is a UK Government Bill introduced in the House of Commons on 7 February 2023.
2. Under an agreement formerly known as the “Sewel Convention”, the UK Parliament will not normally pass bills that contain relevant provisions without first obtaining the consent of the Scottish Parliament. The Scottish Parliament needs to take a view on legislative consent before the Bill has reached its last amending stage in the House of Commons. The Committee stage commences on 6 March.
3. The Parliament’s procedures under Standing Orders Chapter 9B require any legislative consent motion to be preceded by the lodging of a legislative consent memorandum and its consideration by a committee. The Cabinet Secretary for Social Justice, Housing and Local Government, Shona Robison MSP, lodged Legislative Consent Memorandum (LCM) [LCM-S6-33](#) on 21 February 2023.

## About the Bill

4. The Chancellor of the Exchequer in his [Autumn statement](#) on 17 November 2022 announced new measures to help with the rising cost of living. They include means-tested cost of living payments. These will total up to £900 and will be made in three payments. The UK Government will also make payments of £150 to individuals in receipt of qualifying disability benefits.
5. According to the [Explanatory Notes](#), this Bill makes provision for the additional payments from the 2023/24 financial year to recipients of means-tested benefits, tax credits and disability benefits to help with the increased costs of living. The payments detailed in the Bill are additional measures to those provided by [the Social Security \(Additional Payments\) Act 2022](#), which was also subject to an LCM.
6. The UK Government says that the additional payments, will apply to England, Wales Northern Ireland and Scotland, will be delivered by the Department for Work and Pensions (DWP) and HM Revenues & Customs as new benefits reserved in Great Britain. Consequently, data sharing with the Scottish Government is needed to prevent duplication of payments or avoid people missing out on payments.
7. Social security is reserved in Scotland. However there are some exceptions and some of the benefits which allow claimants in Scotland to qualify for the new additional payments are devolved. The additional expenditure resulting from the Bill will be funded by the UK Government.
8. To facilitate the allocation of the additional payments to Scottish claimants, the Bill will make modifications to some required provisions, including modifications to Section 34 of the Scotland Act 2016 to allow data sharing between DWP and the Scottish Ministers. The UK Government has requested that Scottish Ministers make provision for this.

# Scrutiny of the Legislative Consent Memorandum

9. At its [meeting on 23 February 2023](#), the Committee took oral evidence from Ben Macpherson MSP, Minister for Social Security and Local Government. The Official Report for the meeting is available [here](#).
10. The Minister said that the Scottish Government did not share the UK Government's view that the provisions of the Bill are reserved and that the Scottish Parliament's consent to the bill was not required. He stated—
  - ” The Scottish Government's view is that the bill relates to devolved matters. It is my view that the payments are provided to individuals who have a short-term need for financial support to avoid a risk to their well-being and that that can be legislated for within the legislative competence of the Scottish Parliament. That is why it is necessary to lodge a legislative consent motion, although the UK Government has not requested one. <sup>1</sup>
11. The Minister added that—
  - ” The alternative to a legislative consent motion would be to pass legislation in the Scottish Parliament on an extremely truncated timescale in order to match the UK Government's timetable and ensure that payments are made when intended. The legislation would need to come into force by the end of March. The UK Government bill will apply to the entirety of the UK. As a result, it is my view that introducing legislation in the Scottish Parliament is not necessary or proportionate.

Instead, the most prudent course of action is to provide legislative consent to the provisions in the UK bill. That will support the payments while ensuring that the devolution settlement is properly respected. <sup>2</sup>

# Recommendation

12. **The Committee recommends that the Scottish Parliament gives its consent to the relevant provisions in the Social Security (Additional Payments) (No. 2) Bill.**

**Social Justice and Social Security Committee**

Legislative Consent Memorandum - Social Security (Additional Payments) (No. 2) Bill, 1st Report, 2023 (Session 6)

- 1 Social Justice and Social Security Committee. Official Report, 23 February 2023, Col 27
- 2 Social Justice and Social Security Committee. Official Report, 23 February 2023, Col 28

