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## **Welfare Reform (Further Provision) (Scotland) Bill**

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Bill Number:	SP Bill 10
Introduced on:	22 March 2012
Introduced by:	Nicola Sturgeon (Government Bill)
Passed:	28 June 2012
Royal Assent:	7 August 2012

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### **Passage of the Bill**

The Welfare Reform (Further Provision) (Scotland) Bill [SP Bill 10], a Government Bill, was introduced in the Parliament on 22 March 2012. Stage 1 commenced on 29 March 2012 with the Welfare Reform Committee as the lead committee. The Stage 1 (general principles) debate took place on 23 May 2012 and the Bill was passed following the Stage 3 parliamentary debate on 28 June 2012.

### **Purpose and objectives of the Bill**

This is an enabling Bill which confers powers on Scottish Ministers to make provision via regulations, as considered appropriate, for changes in consequence of the new Universal Credit and Personal Independence Payment created under the Welfare Reform Act 2012.

The Bill broadly mirrors relevant sections in the UK Welfare Reform Act which were removed as a consequence of full legislative consent for that Bill having been withheld by the Scottish Parliament (on 22 December 2011) in relation to the introduction of Universal Credit and Personal Independence Payments. The main aim is to maintain the legislative basis that underpins devolved, passported benefits in Scotland. These are benefits such as free school lunches and blue badge parking permits which people who are in receipt of certain state benefits, such as, income support or disability living allowance, are entitled to receive as a consequence of (or 'passport' from) their entitlement to the UK benefit.

## **Provisions of the Bill**

As stated above, this short Bill contains provisions which confers powers on Scottish Ministers to make regulations as considered appropriate in consequence of relevant sections of the Welfare Reform Act 2012 and any associated regulations. This is to ensure that the legislative basis that underpins devolved, passported benefits in Scotland, is maintained.

Scottish Ministers may also make regulations to make changes to devolved legislation to refer consequentially to some aspect of the new Universal Credit, or to fill a gap left by the abolition of the 'passporting from' benefit, for example by creating new eligibility criteria for certain passported benefits.

## **Parliamentary consideration**

Consideration of this Bill differed slightly from the usual process. This is because the Bill was required as a result of the Parliament's partial rejection of a legislative consent motion, the first time such a rejection has occurred. As a result, the Scottish Government had to introduce the Bill which is not based on Scottish Government policy, and which had parliamentary approval at the outset.

The Welfare Reform Committee, established soon after the Parliament's refusal to approve the legislative consent motion (25 January 2012), was appointed lead committee on the Bill. Much of the evidence received by the Committee on the Bill was directed at the UK Government's policy on welfare reform, rather than the content of the Bill. However, stakeholders were unanimous that the Bill should be passed quickly to ensure that the secondary legislation stemming from it could be place before the start of the new welfare system in April 2013, ensuring that individuals and families continue to receive their passported benefits.

The Welfare Reform Committee supported the general principles of the Bill. However, at Stage 2, Jackie Baillie MSP, put forward four amendments. Two of these aimed to ensure that any regulations stemming from the Bill would be subject to the affirmative procedure, and therefore require parliamentary approval. Both these amendments were disagreed to on the grounds that they could delay regulations coming into force in time for April 2013. A third amendment sought an annual report from the Scottish Government, covering the likely social, economic and financial impact of the Welfare Reform Act 2012. Nicola Sturgeon, the Cabinet Secretary for Health, Wellbeing and Cities Strategy, questioned the need for this to be on the face of the Bill, but said if the amendment was withdrawn she would consider it further. The amendment was withdrawn. The fourth amendment would require the Scottish Government to lay a policy statement before the Parliament explaining the intended effect of the regulations. The Cabinet Secretary was sympathetic to the amendment, but saw no need for such a provision in the Bill. The amendment was not agreed to.

At Stage 3 the Scottish Government introduced an amendment to the Bill, which was agreed to, requiring Scottish Ministers to prepare an initial report on the likely impact of the Welfare Reform Act on the people of Scotland by 30 June 2013. Following this, Scottish Ministers must publish an annual report on the impact, from 2014 until 2017, by 30 June in each of those years.