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16 September 2026

Provisions for inclusion in the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2027

Dear Craig,

I am writing to advise you that I have written today to the Scottish Commission on Social Security (SCoSS) to share draft provisions that will be part of the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2027, which will be referred to the Commission in due course.

The provisions are to include a small amendment to provision for one of our Scottish benefits, Pension Age Winter Heating Payment, as well as correcting a minor drafting error in the Cross-Border Regulations.

I have enclosed a copy of my letter to SCoSS, which includes an Annex with a copy of the draft provisions.

I look forward to engaging with the Committee on the overall draft instrument in due course.

Yours sincerely

SHIRLEY-ANNE SOMERVILLE





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16 September 2026

Provisions for inclusion in the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2027

Dear Ed,

I am writing to provide SCoSS with draft provisions which will be part of the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2027 ('the up-rating regulations') which will be referred to the Commission in due course.

I enclose draft provisions and request that the Commission consider these and provide a report to the Scottish Ministers, as part of the report on the up-rating regulations to be referred, in accordance with their function under section 22(1)(a) and 97(4) of the Social Security (Scotland) Act 2018.

The provisions make minor amendments to the following regulations:

The Winter Heating Assistance (Pension Age) (Scotland) Regulations 2024: to include a provision to ensure that the intended payment rate is applied in a scenario where two or more people aged 80 or over, together with at least one other person aged under 80, live in the same household (i.e. a household of three or more individuals). This amendment will ensure that the 'higher shared rate' (c.£211.15 under PAWHP regulation 10(6)(b)) payment will only ever be issued to a person aged 80 or over living with one or more pensioners who are all under 80. Please note that the value reflected in the amendment provision is subject to up-rating.



Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025: to correct a minor drafting error where paragraphs are referred to that were later removed due to being deemed unnecessary. This error does not cause issues in practice and the savings provision in question does not have a broader effect than was intended.

I will send a copy of this letter and draft regulations to the Social Justice, Housing and Local Government Committee to notify them that our proposals have been submitted to the Commission.

I am grateful for your continued work in ensuring that devolved social security delivers a system that meets the needs of the people of Scotland and I look forward to receiving your report.

Yours sincerely



SHIRLEY-ANNE SOMERVILLE

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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Drafting to be included in the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2027

Citation, commencement and interpretation

[1]. In these Regulations—

“the Pension Age Winter Heating Payment Regulations 2024” means the Winter Heating Assistance (Pension Age) (Scotland) Regulations 2024(1),

“the Cross-border Regulations 2025” means the Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025(2),

Amendment of the Pension Age Winter Heating Payment Regulations 2024

[2]. For regulation 10(6)(b) (amount of Pension Age Winter Heating Payment) of the Pension Age Winter Heating Payment Regulations 2024 substitute—

“(b) £211.15, if the individual lives with—

(i) any other entitled individual who has not reached the age of 80 in or before the qualifying week, and

(ii) no other entitled individual who has reached the age of 80 in or before the qualifying week.”.

Amendment of the Cross-border Regulations 2025

[3].—(1) The Cross-border Regulations 2025 are amended in accordance with paragraph (2).

(2) In regulation 16(1) (Revocation and savings provisions – the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023)) for “(7)” substitute “(4)”.

Draft Explanatory Note Wording

Regulation [2] amends regulation 10(6)(b) of the Winter Heating Assistance (Pension Age) (Scotland) Regulations 2024 so that an individual, who is not in receipt of a relevant benefit and is not in residential care, and who has reached the age of 80 in or before the qualifying week, is entitled to the amount in regulation 10(6)(b) only if all other entitled individuals they live with have not reached the age of 80 in or before the qualifying week. If any of the other entitled individuals they live with have reached the age of 80 in or before the qualifying week, the individual is entitled to the amount in regulation 10(6)(c).

Regulation [3] amends regulation 16(1) of the Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025 to correct a typographical error so that the cross-reference to paragraph (4) is instead to paragraph (7).

(1) S.S.I. 2024/351, relevantly amended by S.S.I. 2025/100, S.S.I. 2025/195, S.S.I. 2025/282 and S.S.I. 2026/170.

(2) S.S.I. 2025/336.