

**THE WINTER HEATING ASSISTANCE (PENSION AGE) (SCOTLAND)
AMENDMENT REGULATIONS 2025**

SSI 2025/XXX

Statement made under s97(9)(b) of the Social Security (Scotland) Act 2018

Section 97(2) of the Social Security (Scotland) Act 2018 requires Scottish Ministers to inform the Scottish Commission on Social Security (SCoSS) of these proposals, and section 97(3) specifies that these proposals must take the form of draft regulations. The Scottish Ministers provided a revised draft of the regulations to SCoSS shortly before laying this draft instrument in compliance with section 97(2).

On 6 June, we laid regulations before Parliament intending to expand Pension Age Winter Heating Payment (PAWHP) eligibility by introducing a universal payment of £100 to pensioner households not in receipt of relevant benefits. However, on 9 June 2025, with no prior consultation with the Scottish Government, the UK Government announced its intention to extend Winter Fuel Payment eligibility, with all pensioner households receiving a payment of either £200 or £300, with this payment then automatically reclaimed through taxation from those with an individual income of over £35,000 per year.

Following careful consideration of the options available, on 18 June 2025 the Scottish Government announced its intention to mirror the approach taken by the UK Government. The regulations laid before Parliament were therefore withdrawn, and the new draft Winter Heating Assistance (Pension Age) (Scotland) Amendment Regulations 2025 have been brought forward.

The Scottish Ministers previously provided SCoSS with the draft regulations which were subsequently laid on 6 June, and have since been withdrawn. However, the exceptional circumstances require the revised regulations to be laid as a matter of urgency to ensure eligible pensioners can be paid this winter. As such, it has not been possible to meet SCoSS requirements for the necessary time to scrutinise and publish a report on the regulations as they have been updated to achieve the revised eligibility.

As such, we are laying this draft instrument, as updated to achieve revised eligibility, under section 97(9)(b) of the Act without a report from SCoSS having been prepared. The Scottish Ministers have provided SCoSS with the revised Winter Heating Assistance (Pension Age) (Scotland) Amendment Regulations 2025 for retrospective scrutiny. SCoSS has been informed of the circumstances resulting from the timing of UK Government's announcement and lack of prior consultation with the Scottish Government, and it is content to scrutinise the regulations retrospectively.

SCOTTISH GOVERNMENT