



TRIBUNALS
JUDICIARY

MISS JESSICA M BURNS
REGIONAL TRIBUNAL JUDGE, SCOTLAND
FIRST-TIER TRIBUNAL, SOCIAL ENTITLEMENT CHAMBER

Date
23 October 2017

Suzanne Lyden
Committee Assistant
Social Security Committee
Scottish Parliament

Dear Ms Lyden

Social Security Committee 21 September 2017

Thank you for your e-mail of today's date in connection with evidence given to the Social Security Committee meeting which I attended on 21 September.

Adam Tomkins MSP asked a question the end of the session regarding whether there should be provision in the Bill that enables the Scottish Government to create new benefits but there was no opportunity to respond due to time constraints.

My personal view is that there should be powers to create new benefits within the Bill and essentially that does appear to be recognised in Chapter 2 where the broad types of assistance to be given are set out and do not follow the labelling of the equivalent benefits in the existing system. For instance "Disability assistance" covers Disability Living Allowance for young persons under the age of 16; Personal Independence Payment for claimants of working age and Attendance Allowance for older claimants. The name of this benefit or benefits will presumably be contained within the secondary legislation establishing the conditions for disability assistance. It seems pragmatic to allow the Scottish Parliament to consider the creation of any new benefits within the devolved responsibilities.

Please let me know if I can be of further assistance.

Yours sincerely

JESSICA M BURNS
Regional Tribunal Judge

