

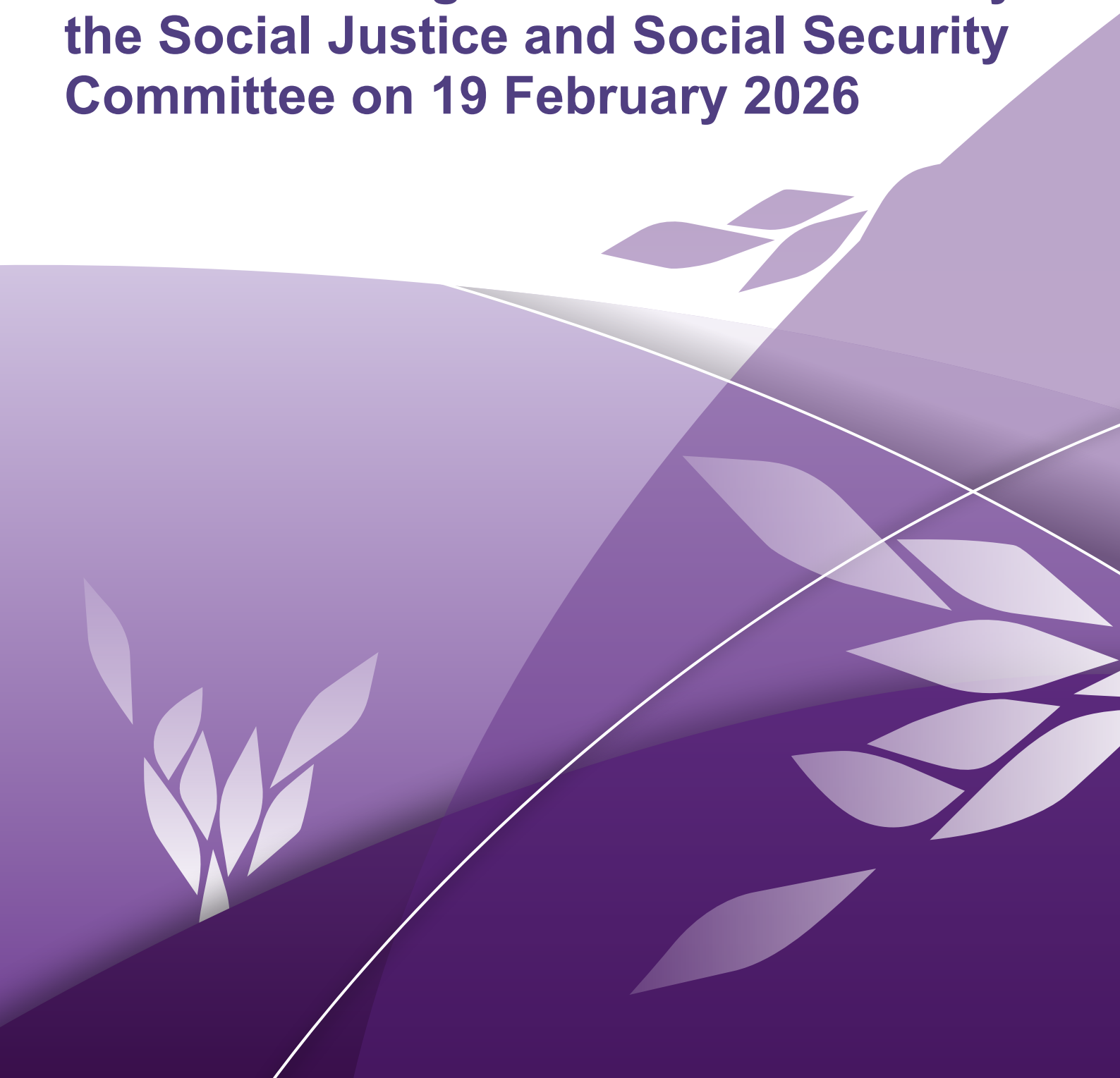


The Scottish Parliament
Pàrlamaid na h-Alba

Published 26 February 2026
SP Paper 1028
3rd Report, 2026 (Session 6)

Social Justice and Social Security Committee

Subordinate legislation considered by the Social Justice and Social Security Committee on 19 February 2026



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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, and matters related to homelessness and rough sleeping, fuel poverty, and welfare and debt advice services within the responsibility of the Cabinet Secretary for Housing.



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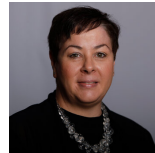
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Introduction

1. This report sets out the Social Justice and Social Security Committee's consideration of [the Social Security Up-rating \(Scotland\) Order 2026](#) and [the Social Security \(Up-rating\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2026](#) at its meeting on 19 February 2026.
2. The minutes of the meeting have been published on the Committee's web page. The Official Report of the meeting is available on the Scottish Parliament's website.

The Social Security Up-rating (Scotland) Order 2026

3. The Social Security Up-rating (Scotland) Order 2026 was laid on 20 January 2026. This instrument is subject to the affirmative procedure, which means it is for the Committee to recommend to the Parliament whether the draft regulations should be approved.
4. According to the [Policy Note](#), the Order uprates a range of devolved and agency-delivered benefits from 1 April 2026 to reflect inflation. It increases weekly rates for Attendance Allowance, Carer’s Allowance, Disability Living Allowance, Personal Independence Payment, Severe Disablement Allowance, and Industrial Injuries benefits, including Industrial Injuries Disablement Benefit and Industrial Death Benefit. Most benefits are uprated by 3.8%, in line with the September 2025 Consumer Prices Index, while Industrial Death Benefit pensions increase by 4.8% in line with earnings growth.
5. The Order also increases the Adult Dependency Increase and other associated Severe Disablement Allowance and Industrial Injuries Scheme benefits. It maintains parity with uprating applied in England and Wales, ensuring benefits keep pace with inflation, is compatible with the UN Convention on Rights of a Child, and has no financial impact on the Scottish Budget or need for business and regulatory impact assessment (BRIA).

The Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2026

6. The Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2026 were laid on 28 January 2026. This instrument is subject to the affirmative procedure, which means it is for the Committee to recommend to the Parliament whether the draft regulations should be approved.
7. According to the [Policy Note](#), the Regulations deliver the Scottish Ministers' statutory duty to review and uprate devolved social security assistance in line with inflation. The Regulations increase a wide range of Scottish benefits by 3.8%, reflecting the September 2025 CPI, including Scottish Child Payment, disability benefits, carers' benefits, Best Start payments, funeral support payments, and winter heating assistance. Although not required by the uprating duty, the earnings limits for Carer's Allowance and Carer Support Payment are also increased from £196 to £204.
8. The Regulations additionally make minor technical, saving and transitional amendments to correct errors, clarify operational provisions, and ensure correct payment of the transitional rate of Adult Disability Payment for 2025–26. The instrument is compatible with the UNCRC, not relevant to EU alignment, and is expected to have no financial impact beyond planned inflationary increases. The Scottish Commission on Social Security scrutinised the draft Regulations and made no recommendations for change, with Ministers confirming continued engagement on future uprating methodology.

Consideration by the Delegated Powers and Law Reform Committee

9. The DPLR Committee considered the Social Security Up-rating (Scotland) Order 2026 [27 January 2026](#) and reported on it in its [12h Report, 2026](#). The Committee made no recommendations in relation to the instrument.

10. The DPLR Committee considered the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2026 on [10 February 2026](#) and reported on it in its [17th Report, 2026](#). The Committee raised no points in relation to the instrument.

Consideration by the Social Justice and Social Security Committee

11. At its meeting on 19 February 2026, the Social Justice and Social Security Committee heard from Shirley-Anne Somerville, Cabinet Secretary for Social Justice and supporting Scottish Government officials.
12. In her opening statement, the Cabinet Secretary told the Committee that the draft instruments uprate all Scottish social security payments by 3.8% from April 2026, in line with September 2025 CPI inflation, with Industrial Death Benefit increasing by 4.8% in line with earnings. The Cabinet Secretary confirmed that the forthcoming Scottish Child Payment premium for under-ones will be included in future annual uprating regulations, that the earnings limit for Carer Support Payment and Carer's Allowance will increase from £196 to £204, and that the instruments make minor technical and clarifying amendments, including transitional provisions to ensure correct payment of Adult Disability Payment rates.
13. During discussion, Committee Members asked whether the Scottish Government would change the legislative basis of Best Start Foods so that it is covered by the statutory duty to uprate for inflation.
14. The Cabinet Secretary confirmed that although Best Start Foods is not yet covered by the statutory uprating duty under the Social Security (Scotland) Act 2018, the Scottish Government intends to bring it under the Act in future so that uprating will apply automatically. In the meantime, it has made a public commitment to continue increasing the payment in line with inflation.
15. Members also asked when the Scottish Government would next review its options for uprating.
16. The Cabinet Secretary confirmed that the Government will not review uprating options at fixed intervals but will instead reconsider its approach if there are substantive changes to inflation measurement or official advice, such as from the Office for Statistics Regulation or the Office for National Statistics. The Cabinet Secretary stated that previous analysis has been thorough and that the current position remains appropriate unless circumstances materially change.
17. Members further asked how, in medium-term financial planning, the Scottish Government takes account of the possibility that inflation might differ from forecasts and the impact that that might have on social security spending.
18. The Cabinet Secretary explained that medium-term financial planning is based on independent forecasts from the Scottish Fiscal Commission, including projections for inflation. Any divergence from those forecasts would be managed through future budget allocations, with the Government maintaining a balanced budget and prioritising social security while ensuring fiscal sustainability.
19. Following the evidence session, the Cabinet Secretary for Social Justice moved motions S6M-20533 and S6M-20602. Each motion was agreed to without division.

Recommendation

20. The Social Justice and Social Security Committee recommends that the Social Security Up-rating (Scotland) Order 2026 [draft] and the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2026 [draft] be approved.

