
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2026 No.

SOCIAL SECURITY

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

Made - - - - [XX] 2026

Coming into force - - [XX] 2026

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 28(2), 30(2), 31(2) and 95 of the Social Security (Scotland) Act 2018(a) and all other powers enabling them to do so.

In accordance with section 96(2) of that Act, a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

In accordance with section 97(2) of that Act, the Scottish Ministers have informed the Scottish Commission on Social Security of their proposals, notified the Scottish Parliament that they have done so and made their proposals publicly available by such means as they consider appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2026.

(2) These Regulations come into force on 1 April 2026.

(3) In these Regulations—

“the Carer Support Payment Regulations 2023” means the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023(b),

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

“the Scottish Adult Disability Living Allowance Regulations 2025” means the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025(d).

(a) 2018 asp 9 (“the 2018 Act”). Schedules 2, 4 and 5 of the 2018 Act make provision, respectively, about the exercise of powers under sections 28, 30 and 31. Schedules 2 and 5 of the 2018 Act were amended by sections 11(2)(a), 11(2)(b), 13(2)(a) and 13(3) of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 asp 18. The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). The Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.

(b) S.S.I. 2023/302, relevantly amended by S.S.I. 2025/XXX and S.S.I. 2025/XXX.

(c) S.S.I. 2024/351, relevantly amended by S.S.I. 2025/100 and S.S.I. 2025/282.

(d) S.S.I. 2025/3.

Amendment of the Carer Support Payment Regulations 2023

2.—(1) The Carer Support Payment Regulations 2023 are amended in accordance with paragraph (2).

(2) After regulation 27(1)(ab) (when a decrease in amount or cessation of entitlement takes effect) insert—

“(ac) in the case of a determination without application under regulation 36(c) (determination following change of circumstances etc.), on the first day of the award week following the award week in which the individual died.”.

Amendment of the Carer’s Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025

3.—(1) The Carer’s Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025(a) are amended in accordance with paragraph (2).

(2) In regulation 17(1)(b) (individuals with entitlement to Carer Support in respect of whom Carer’s Allowance was paid before 6 November 2025) after “15 March” insert “2026”.

Amendment of the Pension Age Winter Heating Payment Regulations 2024

4.—(1) The Pension Age Winter Heating Payment Regulations 2024 are amended in accordance with paragraphs (2) and (3).

(2) After regulation 2 (interpretation) insert—

“Entitlement to a relevant benefit where the individual is a member of a couple or polygamous marriage

2A. In these Regulations, an individual is to be treated as if they were entitled to a relevant benefit where the individual is a member of a couple or polygamous marriage and the other member of that couple or another member of that marriage is entitled to a relevant benefit.”.

(3) In regulation 10 (amount of Pension Age Winter Heating Payment), omit paragraph (8).

Amendment of the Scottish Adult Disability Living Allowance Regulations 2025

5.—(1) The Scottish Adult Disability Living Allowance Regulations 2025 are amended in accordance with paragraph (2).

(2) For regulation 6(5) (care component criterion: lowest, middle or highest rate care component) substitute—

“(5) An individual who has reached the relevant age is not to be entitled to the lowest rate of the care component under paragraph (4)(c) unless—

- (a) they were entitled to that rate immediately before they reached the relevant age, and
- (b) they have been continually entitled to that rate since reaching the relevant age.”.

Saving provision

6. The saving provision in the schedule has effect.

Name
A member of the Scottish Government

(a) S.S.I 2025/XXX.

SCHEDULE
Saving provision

Regulation 6

The Pension Age Winter Heating Payment Regulations 2024

1.—(1) Despite the coming into force of these Regulations, the Pension Age Winter Heating Payment Regulations 2024 continue to have effect on and after 1 April 2026 as they did immediately before that date for the purpose of determining entitlement to Pension Age Winter Heating Payment under those Regulations in respect of the qualifying week in 2025.

(2) In this paragraph, “qualifying week” has the meaning given by regulation 2 (interpretation) of the Pension Age Winter Heating Payment Regulations 2024.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations [to add alongside further Uprating provisions], and make miscellaneous amendments to, Regulations made under the Social Security (Scotland) Act 2018.

Regulation 2 amends regulation 27 of the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 to provide when entitlement ends when an individual who is entitled to Carer Support dies.

Regulation 3 amends regulation 17(1)(b) of the Carer's Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025 to correct a typographical error and clarify that it applies where an individual's entitlement to Carer's Allowance ceased before 15 March 2026.

Regulation 4 inserts regulation 2A into the Pension Age Winter Heating Payment Regulations 2024 to treat individuals as entitled to a relevant benefit where their partner in a couple or polygamous marriage is entitled, replacing the deeming provision in paragraph (8) of regulation 10 (where it applied only for the purposes of regulation 10), which is omitted.

Regulation 5 amends regulation 6(5) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025, to clarify the circumstances in which someone over the relevant age can be entitled to the lowest rate of the care component of Scottish Adult Disability Living Allowance.

Regulation 6 and the schedule saves the Pension Age Winter Heating Payment Regulations 2024 so that they will continue to apply in the same way after the amendments made by these Regulations come into force for any determinations of entitlement to the payment for the 2025 qualifying week.