

Stuart McMillan MSP
Convener of the Delegated Powers and
Law Reform Committee
By email:
DPLR.Committee@parliament.scot

7 December 2022

Dear Convener

SSI 2022/326 – the Scottish Child Payment (Ancillary Provision) Regulations 2022

I refer to your letter of 23 November on the above named instrument and note the Committee’s conclusion that it is “unsatisfactory that this is the second instrument breaching the 28-day rule required in this area”.

I would like to apologise to the Committee. I am clear that in order to ensure effective administration and meet the needs of clients it was necessary to bring forward these further additional regulations. However, I can assure you the Scottish Government takes its responsibilities to Parliament very seriously and will learn lessons in order to avoid such breaches in the future as far as possible.

Specifically the Committee sought:

- (a) explanation as to why a further breach occurred in this area; and
- (b) assurance that the Scottish Government’s quality assurance processes are sufficient to ensure that subordinate legislation laid before the Parliament is fit for purpose.

The Government had, as the Committee is aware, already identified the need for supplementary provision through the Scottish Child Payment (Saving Provisions) Regulations 2022. After these regulations were shared with the Scottish Commission on Social Security (SCoSS) a review exercise was undertaken by my officials which resulted in the additional matters covered in the Scottish Child Payment (Ancillary Provision) Regulations 2022 being identified. The second breach was therefore due to the late identification of the consequential, saving and transitional provisions covered in these regulations and which, to ensure the smooth transition between the law as it stood prior to 14 November 2022 and the law on and after that date, it was necessary to address.

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Whilst I am grateful to SCoSS for their scrutiny I am clear that the Government should have identified the need for these provisions at an earlier stage. I have instructed that a review of our processes for developing and quality assuring social security regulations be undertaken to learn lessons and to strengthen procedure for the future. I will write to the Committee again when that review has been completed.

Kind regards

GEORGE ADAM

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