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Sandra White MSP
Convener
Social Security Committee
The Scottish Parliament
Edinburgh
EH99 1SP

06th October 2017

Dear Convener

Powers to Create New Benefits.

During our evidence session on the 21st September 2017, in recognition of the pressing time constraints, you kindly provided the panellists with the opportunity to write to the Committee setting out our views on whether the Social Security (Scotland) Bill should be amended to set out the Scottish Government's powers to create new benefits.

Our view is that the power to create other new benefits does not need to be set out in this Bill. The risk in setting out this power in a general way in the Bill is that it would pave the way for a new benefit to be introduced by regulations alone without any further primary legislation.

We are firmly of the view that significant changes in social security such as the creation of substantive new benefits must be by way of primary legislation to ensure protection of rights.

However, any new benefit that is created in the future must be subject to the social security principles and charter.

CPAG believes therefore that, to ensure a coherent system, new benefits must also sit within the framework of social security administrative provisions that applies to other forms of assistance. To achieve this, the Bill could be amended (in Part 1 on the principles, charter and accountability) to add a provision to the effect that the social security principles and charter apply to any new form of assistance created under the Scotland Act (Exception 10 of Section F1 of Part 2 of Schedule 5). The intention in relation to setting a future new benefit within the legal framework in the Bill of administrative rules such as applications and appeals, could be set out in an explanatory memorandum to aid future debate and legal interpretation.



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In general, CPAG believes that if the outcomes the Scottish Government wishes to achieve from new social security powers are to be achieved then full use of all new and existing social security powers, including the power to top up reserved benefits as well as to create new benefits in devolved areas, should be used.

Therefore, as you will be aware, we have welcomed the inclusion of Part 3, Section 45, *Power to provide for top up* within the Social Security (Scotland) Bill as introduced.

As noted in our written evidence to the Committee, we believe that the Bill provides an opportunity to further legislate for a 'top up' to child benefit. Modelling suggests that in itself a £5 per week top up would lift 30,000 children out of poverty, making a significant and well evidenced contribution toward achieving the targets set by the Scottish Government's Child Poverty (Scotland) Bill.

We hope this response is of assistance to the Committee as it considers its report on the Social Security Scotland Bill.

As ever, CPAG in Scotland values the opportunity to engage with the Social Security Committee and would be pleased to provide further evidence or information should that be of assistance.

Yours sincerely

John Dickie.