



WELFARE REFORM COMMITTEE

AGENDA

19th Meeting, 2014 (Session 4)

Tuesday 2 December 2014

The Committee will meet at 10.00 am in the Adam Smith Room (CR5).

1. **Declaration of interests:** Clare Adamson, Joan McAlpine and Christina McKelvie will be invited to declare any relevant interests.
2. **Choice of Deputy Convener:** The Committee will choose a Deputy Convener.
3. **Decision on taking business in private:** The Committee will decide whether to take item 7 in private.
4. **Subordinate legislation:** The Committee will consider the following negative instruments - Discretionary Housing Payments (Limit on Total Expenditure) Revocation (Scotland) Order 2014 (SSI 2014/298)
5. **Welfare Funds (Scotland) Bill (in private):** The Committee will consider a draft Stage 1 report.
6. **Draft Budget Scrutiny 2015-16 (in private):** The Committee will consider a draft report to the Finance Committee on the Scottish Government's Draft Budget 2015-16.
7. **Work programme:** The Committee will consider its work programme.

Simon Watkins
Clerk to the Welfare Reform Committee
Room T1.01
The Scottish Parliament
Edinburgh
Tel: 0131 348 5228
Email: simon.watkins@scottish.parliament.uk

The papers for this meeting are as follows—

Agenda item 3

Note by the Clerk

WR/S4/14/19/1

Agenda item 4

PRIVATE PAPER

WR/S4/14/19/2 (P)

Agenda item 5

PRIVATE PAPER

WR/S4/14/19/3 (P)

Agenda item 6

PRIVATE PAPER

WR/S4/14/19/4 (P)

Welfare Reform Committee

19th Meeting, 2014 (Session 4), Tuesday, 2 December 2014

**Discretionary Housing Payments (Limit on Total Expenditure) Revocation
(Scotland) Order 2014 (SSI 2014/298)**

Today's business

1. On 11 November 2014 the Committee took evidence from the Deputy First Minister and Cabinet Secretary of Infrastructure, Investment and Cities on the Discretionary Housing Payments (Limit on Total Expenditure) Revocation (Scotland) Order 2014 (SSI 2014/298). The Committee is now asked to formally note the Order.

Type of instrument

2. Negative

Laid date

3. 10 November 2014

Effect of the Instrument

4. This order extends only to Scotland. The order will mean that there is no limit imposed on local authority's discretionary housing payment expenditure in Scotland from the financial year commencing 1st April 2014.

Delegated Powers and Law Reform Committee consideration

5. The Delegated Powers and Law Reform (DPLR) Committee considered this instrument at its meeting on 18 November 2014 and agreed that it did not need to draw the attention of the Parliament to it on any grounds within its remit.

Procedure

6. Guidance on the consideration of subordinate legislation is available at—
<http://www.scottish.parliament.uk/parliamentarybusiness/24417.aspx>

7. Specific Guidance on **negative procedure** is reprinted below—

6.5. SSIs subject to negative procedure must be annulled if the Parliament so resolves within a 40-day period beginning with the day on which they are laid. Such instruments require to be laid at least 28 days before they are due to come into force under section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. If this “28-day rule” is breached, the Scottish Government

must explain why in a letter to the Presiding Officer which is considered by the Delegated Powers and Law Reform Committee and the relevant subject committee.

6.6. SSIs subject to negative procedure come into force on the date specified in the instrument unless they are annulled by the Parliament.

6.7. Any MSP wishing to annul a negative SSI must lodge a motion proposing that the lead committee recommend annulment to the Parliament. Where such a motion is lodged, the SSI and the motion to annul are included on the agenda of the lead committee. Rules 10.4 and 10.5 provide for a debate on the motion in the lead committee not exceeding 90 minutes in which the member who has lodged the motion and the relevant minister or junior Minister are entitled to speak. However, only committee members are entitled to vote on the motion.

6.8. In any case where a motion to annul an instrument has been debated by a lead committee, the committee is required to report on the instrument, setting out its recommendations. If the lead committee agrees to recommend annulment, it reports in those terms and the Bureau is required to lodge a motion for annulment to be taken in the Parliament. Rules 10.4 and 10.5 provide for a short debate and, if the Parliament were to agree to the motion, the SSI would be annulled.

6.9. In practice it is unusual for a motion to annul to be lodged. However, all negative SSIs still appear on the agenda of the lead committee which may take evidence on them depending on the subject matter.

6.10. Where no motion to annul has been lodged, the lead committee may still report to the Parliament setting out any comments or highlighting any concerns that it has. Such a report does not require to be made within the 40-day period.

Annexe A

Discretionary Housing Payments (Limit on Total Expenditure) Revocation (Scotland) Order 2014

Heather Lyall,
Welfare Reform Committee,
November 2014

Annexe A

SCOTTISH STATUTORY INSTRUMENTS

2014 No. 298

SOCIAL SECURITY

The Discretionary Housing Payments (Limit on Total Expenditure) Revocation (Scotland) Order 2014

Made - - - - 6th November 2014

Laid before the Scottish Parliament 10th November 2014

Coming into force - - 9th December 2014

The Scottish Ministers make the following Order in exercise of the power conferred by section 70(3)(a) of the Child Support, Pensions and Social Security Act 2000(a) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) This Order may be cited as the Discretionary Housing Payments (Limit on Total Expenditure) Revocation (Scotland) Order 2014 and comes into force on 9th December 2014.

(2) This Order extends to Scotland only.

Revocation

2. The following enactments are revoked—

- (a) article 7(1) of the Discretionary Housing Payments (Grants) Order 2001(b);
- (b) article 2(2)(b) of the Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2014(c).

NICOLA STURGEON

A member of the Scottish Government

St Andrew's House,
Edinburgh
6th November 2014

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- (a) 2000 c.19; section 70 is amended by the Local Government Act 2003 (c.26), Schedule 8, Part 1, and by the Welfare Reform Act 2012 (c.5), Schedule 3, paragraph 12 but the amendments made by that Act are not yet in force. The functions of the Secretary of State under section 70(3)(a) were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2014 (S.I. 2014/2918), article 2.
 - (b) S.I. 2001/2340; article 7(1) is amended by S.I. 2014/1667.
 - (c) S.I. 2014/1667.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made by the Scottish Ministers under section 70(3)(a) of the Child Support, Pensions and Social Security Act 2000 (c.19) (“the 2000 Act”), which provides for the power to place a limit on the total amount of expenditure that local authorities can incur in making discretionary housing payments. The power to make discretionary housing payments is conferred on local authorities by regulations made under section 69 of the 2000 Act, the Discretionary Financial Assistance Regulations 2001 (S.I. 2001/1167).

The power to make this Order was transferred from the Secretary of State to the Scottish Ministers by virtue of an Order made under section 63(1) of the Scotland Act 1998 (c.46) (power to transfer functions): the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2014 (S.I. 2014/2918).

Following on from that transfer, this Order revokes article 7(1) of the Discretionary Housing Payments (Grants) Order 2001 (“the 2001 Order”), which imposed the limit in Great Britain, and article 2(2)(b) of the Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2014, which amended article 7(1) of the 2001 Order. The revocation of these enactments extends only to Scotland and its effect is that there is no limit imposed on the expenditure on discretionary housing payments of local authorities in Scotland from the financial year commencing 1st April 2014.

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£4.25

S201411075 11/2014 19585

<http://www.legislation.gov.uk/id/ssi/2014/298>

ISBN 978-0-11-102491-1



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