

Parliamentary Bureau – Approval of Scottish Statutory Instruments

Affirmative Instruments

Disability Assistance for Older People (Scotland) Regulations 2024 (SSI 2024/Draft)

1. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

Jamie Hepburn on behalf of the Parliamentary Bureau: That the Parliament agrees that the Disability Assistance for Older People (Scotland) Regulations 2024 (SSI 2024/Draft) be approved.

Purpose

2. To make provision and set out the rules and eligibility criteria for Pension Age Disability Payment given by the Scottish Ministers under section 31 of the Social Security (Scotland) Act 2018. Pension Age Disability Payment will replace Attendance Scotland. It is a form of assistance to provide financial support to individuals who are over State Pension age with additional costs related to their care needs, arising from a disability or health condition(s).
3. The Regulations are made of 18 parts covering a range of provisions such as:
 - the Scottish definition of terminal illness.
 - provisions in relation to individuals who move from Scotland to another part of the United Kingdom, or who move to Scotland.
 - provisions around short-term assistance.
 - transfer of awards of Attendance Allowance from the Department for Work and Pensions (DWP) to Social Security Scotland.

Consideration by committee

4. At its meeting on 16 May 2024 the Social Justice and Social Security Committee agreed to recommend that the Regulations be approved. [The Committee's report was published on 23 May 2024.](#)

Scottish Tribunals (Listed Tribunals) Regulations 2024 (SSI 2024/Draft)

5. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

Jamie Hepburn on behalf of the Parliamentary Bureau: That the Parliament agrees that the Scottish Tribunals (Listed Tribunals) Regulations 2024 (SSI 2024/Draft) be approved.

Purpose

6. To add the Transport Tribunal to the list of tribunals in schedule 1 of the Tribunals (Scotland) Act 2014 whose functions may be transferred to the Scottish Tribunals under that Act.

Consideration by committee

7. At its meeting on 21 May 2024 the Equalities, Human Rights and Civil Justice Committee agreed to recommend that the Regulations be approved. [The Committee report was published on 22 May 2024.](#)

[Equality Act 2010 \(Specification of Public Authorities\) \(Scotland\) Order 2024 \(SSI 2024/Draft\)](#)

8. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

Jamie Hepburn on behalf of the Parliamentary Bureau: That the Parliament agrees that the Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2024 (SSI 2024/Draft) be approved.

Purpose

9. To add the Patient Safety Commissioner for Scotland and Community Justice Scotland to the list of public authorities in Part 3 of schedule 19 of the 2010 Act. Listed public authorities are required to comply with the public sector equality duty.

Consideration by committee

10. At its meeting on 21 May 2024 the Equalities, Human Rights and Civil Justice Committee agreed to recommend that the Regulations be approved. [The Committee report was published on 22 May 2024.](#)

[Equality Act 2010 \(Specific Duties\) \(Scotland\) Amendment Regulations 2024 \(SSI 2024/Draft\)](#)

11. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

Jamie Hepburn on behalf of the Parliamentary Bureau: That the Parliament agrees that the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2024 (SSI 2024/Draft) be approved.

Purpose

12. To make the Patient Safety Commissioner for Scotland and Community Justice Scotland listed authorities for the purpose of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. Listed authorities have specific duties which enable them to better perform the public sector equality duty under section 149 of the Equality Act 2010.

Consideration by committee

13. At its meeting on 21 May 2024 the Equalities, Human Rights and Civil Justice Committee agreed to recommend that the Regulations be approved. [The Committee report was published on 22 May 2024.](#)

Damages (Review of Rate of Return) (Scotland) Regulations 2024

14. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

Jamie Hepburn on behalf of the Parliamentary Bureau: That the Parliament agrees that the Damages (Review of Rate of Return) (Scotland) Regulations 2024 be approved.

Purpose

15. These regulations amend the factors used in reviewing the personal injury discount rate (“the discount rate”), as set out in the Damages Act 1996. The review of the discount rate will be undertaken by the Government Actuary and its purpose is to determine whether the current discount rate is to remain the same or be changed.
16. The method for calculating the discount rate is set out in schedule B1 of the Damages Act 1996. It is currently minus 0.75% and was last reviewed in September 2019. The changes made by these regulations to the legislation for calculating the discount rate are as follows:
- the index for impact of inflation will change to the average weekly earnings (AWE) index;
 - the standard adjustment for tax and costs will change to 1.25%; and
 - the period of investment will change to 43 years.

Consideration by committee

17. At its meeting on 21 May 2024, after debate, the Equalities, Human Rights and Civil Justice Committee agreed by division (For 5, Against 2, Abstentions 0) to recommend that the Regulations be approved. [The Committee report was published on 22 May 2024.](#)

Decision

18. Business Managers are invited to note that the above motions will be lodged.
19. Business Managers should reserve their position if their party intends to speak against or oppose the motions.

Parliamentary Business Team
May 2024