Rt Hon Frank Field MP  
Chair  
Work & Pensions Select Committee  
House of Commons  
London  
SW1A 0AA

Dear Mr Field

SPLIT PAYMENTS OF UNIVERSAL CREDIT – LEGISLATIVE POSITION IN SCOTLAND

Tracey Meharg copied me your letter of 30 January 2019 and her reply of 11 February 2019. In that she suggests I might write to you about the position in Scotland and I thought it might be helpful for the Committee if I outlined our understanding of the position. Your letter states that the Scottish Parliament has legislated for Split Payments by default in Scotland.

It is true that an amendment was tabled and agreed at the final, Third stage, of the Bill process in the Scottish Parliament (Section 94 of the Social Security (Scotland) Act 2018). However, in the course of reviewing their legislation the Scottish Government concluded that the Scottish Parliament, under the devolution arrangements, did not have legislative competence in this area, as this was a matter reserved to Westminster. In terms of the Scotland Act 1998 s94 is “not law”. Accordingly, at the appropriate moment they will remove this provision from the statute book. So strictly speaking Split Payments have not been legislated for in Scotland.

For the convenience of the Committee I have attached the exchanges of correspondence between Scottish Government Ministers and the Committee Chair in the Scottish Parliament which set out the position in some detail.

https://www.parliament.scot/S5_Social_Security/General%20Documents/20180903_CabSecS_SOP_to_Convener_section_94_response.pdf

https://www.parliament.scot/S5_Social_Security/General%20Documents/20180627_Convener_to_Cab_Sec_on_split_payments(1).pdf

https://www.parliament.scot/S5_Social_Security/General%20Documents/20180619_MinisterS_SecuritytoConvener_socialsecuritybillamendment.pdf
However, as the Scottish Government have pointed out, the Scottish Parliament already has the power, through the Scotland Act 2016, to provide for split payments for Universal Credit in Scotland through secondary legislation. We continue to talk to colleagues there about a workable proposal which can be legislated for and subsequently implemented in a timely manner.

I hope this note of explanation is helpful to the Committee.

Yours sincerely,

[Signature]

Neil Couling
Director General, Universal Credit Programme