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SCOTTISH STATUTORY INSTRUMENTS

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**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<sup>(1)</sup> 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<sup>(2)</sup>;
  - (b) article 2(2)(b) of the Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2014<sup>(3)</sup>.

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(1) 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.

(2) S.I. 2001/2340; article 7(1) is amended by S.I. 2014/1667.

(3) S.I. 2014/1667.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House, Edinburgh  
6th November 2014

*NICOLA STURGEON*  
A member of the Scottish Government

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## 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.