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Ian Blackford MP
House of Commons
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Dear Ian,

19th October 2016

I am writing in response to the point of order you raised following Topical questions in the House on Monday 17 October, and to assure you that my statement was correct. I feel obliged to draw your attention to the relevant legislation.

As you stated, section 28 of the Scotland Act 2016 gives new powers to the Scottish Government to create benefits in areas of devolved responsibility. Whilst pensions remain a reserved matter, the Act does give the Scottish Government powers to both top up reserved benefits and make discretionary payments.

In particular, section 24 of the Act enables the Scottish Government to make top-up payments to any person in Scotland who is in receipt of any reserved UK Government benefit.

Additionally, the discretionary payment power, contained within section 25 of the Act, enables the Scottish Government to make payment to anyone, including those with or without an entitlement to reserved benefits.

Both of these powers have been commenced and came into force on the 5 September 2016. It is, of course, for the Scottish Government to determine how they use these new powers.

I am copying this letter to Mr Speaker and I will place a copy in the library of the House.

Yours,

Damian

The Rt Hon Damian Green MP
SECRETARY OF STATE FOR WORK AND PENSIONS