

# **SOCIAL SECURITY (SCOTLAND) ACT 2018**

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## **EXPLANATORY NOTES**

### **OVERVIEW**

#### **Part 4 (Further Provision in Connection With Parts 2 and 3)**

##### **Inalienability of assistance**

121. An individual's entitlement to social security assistance is a personal right based on the individual's needs. Section 83 prevents someone agreeing to transfer that personal right to assistance to someone else. Section 84 prevents involuntary transfers of the right so that if, for example, an individual were to become bankrupt the individual would retain his or her personal entitlement to assistance rather than it becoming part of the person's estate that transfers into the hands of the trustee in bankruptcy.
122. [Section 83\(2\)](#) makes clear that while a person cannot agree to transfer their right to assistance, the section does not prevent the Scottish Ministers operating arrangements where an individual requests that payments should be made (in whole or in part) to someone else. For example, a young person may prefer to have payments made to a parent, or some people may find it easier to have some of their assistance given directly to their landlord. That is not the same as the right to the assistance being transferred to a third party. Because the individual's entitlement is personal, the individual can at any time change the payment arrangements.