



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 4

#### FURTHER PROVISION IN CONNECTION WITH PARTS 2 AND 3

##### *Inalienability of assistance*

#### **83 No assignation or charge**

- (1) Any assignation of or charge on, or agreement to assign or charge, an individual's entitlement to assistance under or by virtue of this Act is void.
- (2) Nothing in subsection (1) prevents the Scottish Ministers from giving the assistance to which an individual is entitled to another person if the individual (or a person acting on the individual's behalf) has agreed to that.

#### **84 Retention of right to assistance on bankruptcy etc.**

An individual's entitlement to assistance under or by virtue of this Act does not transfer to another person—

- (a) on the individual's sequestration, or
- (b) on the appointment of a judicial factor on the individual's estate under section 41 of the Solicitors (Scotland) Act 1980.

##### *Information-sharing*

#### **85 Information-sharing**

- (1) The Scottish Ministers may require a person mentioned in subsection (2) to supply information held by the person to the Ministers for the purpose of a social security function.
- (2) The persons are—
  - (a) a local authority,

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- (b) a Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978 or a Special Health Board constituted under section 2(1)(b) of that Act,
  - (c) an integration joint board established by order under section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014,
  - (d) the Registrar General for Scotland,
  - (e) the Keeper of the Records of Scotland,
  - (f) the Scottish Courts and Tribunals Service,
  - (g) a person specified in regulations made by the Scottish Ministers.
- (3) Where information is supplied to the Scottish Ministers under subsection (1) for use for any purpose, they may use it for any other purposes for which information held by them for that purpose may be used.
- (4) In subsection (1), references to information held by a person include information held by another person providing services to the person.
- (5) Information held by the Scottish Ministers for the purpose of a social security function may be supplied by the Ministers to a person mentioned in subsection (2) for use for the purposes of such function of the person as is specified in regulations made by the Ministers.
- (6) Where information is supplied to a person under subsection (5) for use for any purpose, the person may use it for any other purposes for which information held by the person for that purpose may be used.
- (7) In subsection (5), references to information held by the Scottish Ministers include information held by a person providing services to them.
- (8) Information supplied under subsection (5) must not be supplied by the recipient of the information to any other person without the authority of the Scottish Ministers.
- (9) This section does not permit or require the provision of information in breach of a prohibition or restriction on the disclosure of information arising by virtue of an enactment or rule of law.
- (10) In this section, “social security function” means a function of the Scottish Ministers under or by virtue of this Act.

#### *Agency arrangements*

### **86 Agency arrangements for housing assistance**

- (1) The Scottish Ministers may by regulations provide for the functions conferred on them by virtue of Part 2 to be exercised on their behalf by local authorities, but only in relation to—
- (a) housing assistance, and
  - (b) short-term assistance that an individual is eligible to be given on account of the individual’s entitlement to housing assistance being under review within the meaning of paragraph 1(1)(c) of schedule 10.
- (2) Regulations under this section may in particular—
- (a) specify the functions that local authorities are to exercise on the Scottish Ministers’ behalf,

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- (b) make provision identifying the persons in relation to whom a local authority is to exercise those functions, and
  - (c) provide for any enactment (including this Act) to apply subject to such modifications as the Ministers consider appropriate in consequence of functions falling to be exercised by a local authority on the Ministers' behalf.
- (3) Regulations under this section do not affect the Scottish Ministers' responsibility for the exercise of their functions.
- (4) In subsection (1), "functions" does not include regulation-making functions.

#### *Monitoring of appeal process*

### **87 Report to the Scottish Parliament on exercise of right to appeal**

- (1) As soon as practicable after the end of each financial year, the Scottish Ministers are to—
- (a) lay before the Scottish Parliament, and
  - (b) make publicly available by such means as they consider appropriate,
- a report on the number of individuals who obtained the right to appeal to the First-tier Tribunal under section 46 and the number of individuals who exercised that right.
- (2) The first report under this section must include a plan setting out how the Scottish Ministers intend to collect this data.
- (3) In reporting to the Scottish Parliament under subsection (1), the Scottish Ministers must indicate whether, in the opinion of the Ministers, amendment of the process for determining entitlement under this Act is appropriate.