



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 2

#### GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

#### CHAPTER 1

#### ASSISTANCE TO BE GIVEN ACCORDING TO DETERMINATION OF ENTITLEMENT

#### 25 Meaning of “determination of entitlement”

- (1) References in this Part to a determination of an individual's entitlement to assistance are to a determination made—
- (a) by the Scottish Ministers—
    - (i) under section 37, or
    - (ii) (following a request for a re-determination) under section 43,
  - (b) by the First-tier Tribunal for Scotland—
    - (i) under section 49 in an appeal against a determination made by the Scottish Ministers, or
    - (ii) (subsequent to such an appeal) under its Tribunals Act powers,
  - (c) by the Upper Tribunal for Scotland under its Tribunals Act powers (subsequent to an appeal against, or following a review of, a decision of the First-tier Tribunal),
  - (d) by the Court of Session under its Tribunals Act powers (in an appeal against a decision of the Upper Tribunal), or
  - (e) by the Supreme Court of the United Kingdom—
    - (i) in an appeal under section 40 of the Court of Session Act 1988 against a decision of the Court of Session, or
    - (ii) on a reference made by the Court of Session under schedule 6 of the Scotland Act 1998.
- (2) In this section, “Tribunals Act powers” means powers under Part 6 (review or appeal of decisions) of the Tribunals (Scotland) Act 2014.

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**Changes to legislation:** *Social Security (Scotland) Act 2018, Section 25 is up to date with all changes known to be in force on or before 19 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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#### **Commencement Information**

- II** S. 25 in force at 22.10.2018 by [S.S.I. 2018/298](#), [reg. 2\(1\)\(f\)](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 2\(2\)](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81(4C) inserted by [2021 asp 20 s. 2\(a\)](#)
- s. 85D inserted by [2020 asp 18 s. 2\(6\)](#)