Social Security (Scotland) Act 2018

2018 asp 9

PART 2

GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

CHAPTER 3

DETERMINING ENTITLEMENT

Re-determination by the Scottish Ministers

41 Right to request re-determination

(1) An individual may request that the Scottish Ministers re-determine the individual's entitlement to a particular type of assistance after being informed (in accordance with section 40) of a determination by the Ministers of the individual's entitlement to that type of assistance.

(2) A request for a re-determination is valid only if the conditions set out in the following subsections are satisfied—
  (a) subsection (3), and
  (b) subsection (4).

(3) The condition referred to in subsection (2)(a) is satisfied if the request is made in such form as the Scottish Ministers require.

(4) The condition referred to in subsection (2)(b) is satisfied if—
  (a) the request is made before the end of the period prescribed by the Scottish Ministers in regulations, or
  (b) in a case where the request is made after that period has ended—
    (i) the individual has a good reason for not requesting a re-determination sooner (see section 42), and
    (ii) the request is made before the end of the day that falls one year after the day on which the individual is informed (in accordance with section 40) of the determination.

Status: *Point in time view as at 10/12/2019. This version of this provision has been superseded.*
Changes to legislation: *Social Security (Scotland) Act 2018, Section 41 is up to date with all changes known to be in force on or before 02 August 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)*

(5) The Scottish Ministers must publicise any requirements for the time being set under subsection (3).

(6) If the Scottish Ministers decide that something purporting to be a request for a re-determination does not satisfy the condition in subsection (3), they must inform the individual concerned of—

(a) the decision,

(b) the reasons for it, and

(c) the individual's right to appeal under section 61.

Commencement Information

I1 S. 41 in force at 22.10.2018 by S.S.I. 2018/298, **reg. 2(1)(g)** (with reg. 3) (as amended (10.12.2019) by S.S.I. 2019/406, regs. 1, **2(2)**)

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