



# 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*

#### **42 Late request for re-determination**

- (1) It is for—
- (a) the Scottish Ministers, or
  - (b) on appeal under section 61, the First-tier Tribunal for Scotland,
- to decide whether, for the purpose of section 41(4)(b), an individual has a good reason for not requesting a re-determination sooner.
- (2) Having made a decision under subsection (1), the Scottish Ministers must inform the individual concerned—
- (a) of the decision, and
  - (b) if the decision is that the individual has no good reason for not requesting a re-determination sooner, of—
    - (i) the reasons for the decision, and
    - (ii) the individual's right to appeal under section 61.