



Social Security (Scotland) Act 2018

2018 asp 9

PART 2

GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

CHAPTER 3

DETERMINING ENTITLEMENT

The determination of entitlement

51 Determination on basis of ongoing entitlement

- (1) The Scottish Ministers may by regulations—
- (a) provide that a determination of an individual's entitlement to a specified type of assistance is to be made on the basis that the individual has ongoing entitlement to that type of assistance, and
 - (b) provide for exceptions to any provision made by virtue of paragraph (a).
- (2) Regulations making provision by virtue of subsection (1)(a) are also to—
- (a) prescribe the time, or times, at which an individual is to become entitled to be given assistance under a determination made on the basis that the individual has ongoing entitlement,^{F1}...
 - [^{F2}(aa) make provision, in accordance with schedule 11, about—
 - (i) the circumstances in which an individual who has an entitlement to assistance in respect of a period under such a determination is not to become entitled to be given some or all of that assistance at the time at which the individual otherwise would in accordance with provision under paragraph (a), and
 - (ii) in that event, how and when the individual is to become entitled to be given that assistance, and]
 - (b) provide that a decision about what assistance the individual is to become entitled to be given under such a determination in respect of any future period

Changes to legislation: *Social Security (Scotland) Act 2018, Section 51 is up to date with all changes known to be in force on or before 26 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*

is to be taken in accordance with the applicable regulations on the strength of such assumptions as are specified.

- (3) Without prejudice to the generality of subsection (2)(b), the assumptions that may be specified include an assumption that the eligibility rules prescribed in the applicable regulations will continue to be satisfied in an individual's case for a specified duration or indefinitely.

[^{F3}(3A) Schedule 11 makes provision about the exercise of the power conferred by subsection (2)(aa).]

- (4) In this section—

“the applicable regulations” means the regulations made under the section in Chapter 2 that describes the type of assistance in question,

“specified” means specified by regulations under this section.

Textual Amendments

- F1** Word in s. 51(2)(a) repealed (26.7.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), **ss. 12(2)(a)**, 18(2)(3); S.S.I. 2021/232, reg. 2(f)
- F2** S. 51(2)(aa) inserted (26.7.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), **ss. 12(2)(b)**, 18(2)(3); S.S.I. 2021/232, reg. 2(f)
- F3** S. 51(3A) inserted (26.7.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), **ss. 12(2)(c)**, 18(2)(3); S.S.I. 2021/232, reg. 2(f)

Commencement Information

- I1** S. 51 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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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\(6\)](#)