



Social Security (Scotland) Act 2018

2018 asp 9

PART 2

GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

CHAPTER 4

FURTHER PROVISION ABOUT DETERMINING ENTITLEMENT

Appointees

58 Appointment of person to act on behalf of individual

- (1) The Scottish Ministers may appoint a person (an “appointee”)—
 - (a) to act on behalf of an individual in connection with the determination of the individual's entitlement to assistance under section 24, and
 - (b) to receive such assistance on the individual's behalf.
- (2) The Scottish Ministers may only appoint an appointee if it appears to them that either subsection (3) or (4) applies.
- (3) This subsection applies if—
 - (a) the individual is deceased, and
 - (b) there is no executor appointed on the individual's estate.
- (4) This subsection applies if, in relation to the matters mentioned in subsection (1)—
 - (a) the individual is incapable within the meaning of the Adults with Incapacity (Scotland) Act 2000,
 - (b) there is no guardian acting or appointed under that Act,
 - (c) the individual's estate is not being administered by a judicial factor, and
 - (d) there is no other person who has authority to act on behalf of the individual and is willing to do so.
- (5) An individual who is under 16 years may not be appointed as an appointee.
- (6) Where an appointee is appointed in relation to an individual—

Status: Point in time view as at 22/10/2018. This version of this provision has been superseded.

Changes to legislation: Social Security (Scotland) Act 2018, Section 58 is up to date with all changes known to be in force on or before 04 April 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)

- (a) the appointee can do anything that the individual could do in connection with the determination of the individual's entitlement to assistance (including making an application for assistance),
- (b) the Scottish Ministers may request that the appointee provide them with information that they may otherwise request the individual to provide under section 54 (and subsections (2) and (3) of that section apply to that request as they apply to a request made to the individual),
- (c) any information that would be given to the individual under or by virtue of this Part must be given to the appointee instead.

(7) The Scottish Ministers may terminate an appointment under this section at any time.

Commencement Information

II S. 58 in force at 22.10.2018 by [S.S.I. 2018/298](#), **reg. 2(1)(i)** (with [reg. 3](#))

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