



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 2

#### GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

#### CHAPTER 6

#### OFFENCES AND INVESTIGATIONS

##### *Offences*

#### **72 Offence of failing to notify**

- (1) A person commits an offence if—
- (a) the person fails to notify the Scottish Ministers about a change in circumstances to which subsection (2) applies as soon as reasonably practicable after it occurs,
  - (b) the person does not have a reasonable excuse for failing to do so, and
  - (c) the person knew or ought to have known that the change might result in an individual ceasing to be entitled to assistance, or becoming entitled to less assistance.
- (2) For the purpose of subsection (1)(a), a change in circumstances to which this subsection applies is a change—
- (a) which the person has a duty under section 56 to notify the Scottish Ministers about, and
  - (b) which would, under a determination of an individual's entitlement, result in the individual ceasing to be entitled to assistance, or becoming entitled to less assistance.
- (3) A person is not to be regarded as having notified a change in circumstances for the purpose of subsection (1)(a) unless the person notified the Scottish Ministers about it in the way the Ministers informed the person that such notification is to be given (see section 56(2)(b)).

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*Status: This is the original version (as it was originally enacted).*

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- (4) A person who commits an offence under subsection (1) is liable—
- (a) on summary conviction, to—
    - (i) imprisonment for a term not exceeding 12 months,
    - (ii) a fine not exceeding the statutory maximum, or
    - (iii) both,
  - (b) on conviction on indictment, to—
    - (i) imprisonment for a term not exceeding 5 years,
    - (ii) a fine, or
    - (iii) both.