



Social Security (Scotland) Act 2018

2018 asp 9

PART 5

DISCRETIONARY HOUSING PAYMENTS

91 Guidance

- (1) Local authorities must have regard to any guidance issued by the Scottish Ministers in connection with the exercise of the power conferred by section 88.
- (2) Guidance under subsection (1) may, in particular, deal with—
 - (a) the rules which authorities are to apply in deciding—
 - (i) whether to give someone financial assistance,
 - (ii) the amount of assistance to give, and
 - (iii) what period to give assistance for,
 - (b) the form of applications for—
 - (i) assistance, and
 - (ii) review of authorities' decisions about the giving of assistance,
 - (c) the processes which authorities are to follow in—
 - (i) determining applications for assistance and review, and
 - (ii) deciding whether to stop giving someone assistance,
 - (d) the circumstances in which authorities should, and should not, seek to recover the value of assistance given in error or following a breach of any of the conditions under which it was given.
- (3) Guidance under subsection (1) may be addressed to—
 - (a) an authority, or more than one authority, identified in the guidance, or
 - (b) all authorities.
- (4) Before issuing guidance under subsection (1), the Scottish Ministers must consult such body representing authorities as the Ministers think fit.
- (5) As soon as reasonably practicable after issuing guidance under subsection (1), the Scottish Ministers must lay a copy of the guidance before the Scottish Parliament.

Status: This is the original version (as it was originally enacted).

- (6) The Scottish Ministers must make guidance issued under subsection (1) publicly available.
- (7) The power to issue guidance under subsection (1) includes the power to—
 - (a) issue guidance which varies guidance issued under that subsection, and
 - (b) revoke guidance issued under that subsection.