
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 474 (C. 35)

SOCIAL SECURITY

The Social Security (Scotland) Act 2018
(Commencement No. 9) Regulations 2021

Made - - - - - 15th December 2021
*Laid before the Scottish
Parliament* - - - - - 17th December 2021
Coming into force - - - 17th January 2022

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 99(2) of the Social Security (Scotland) Act 2018⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Social Security (Scotland) Act 2018 (Commencement No. 9) Regulations 2021 and come into force on 17 January 2022.

Appointed day

2. The day appointed for the coming into force of the following provisions of the Social Security (Scotland) Act 2018 is 17 January 2022—

- (a) section 12 (restriction on private-sector involvement in assessments),
- (b) section 13 (assessors to be suitably qualified),
- (c) section 14 (assessments only to be required where necessary),
- (d) section 55 (requirement to justify assessment requests), and
- (e) section 60 (right to reports used in determining entitlement).

St Andrew's House,
Edinburgh
15th December 2021

BEN MACPHERSON
Authorised to sign by the Scottish Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring sections 12, 13, 14, 55 and 60 of the Social Security (Scotland) Act 2018 (“the 2018 Act”) into force on 17 January 2022.

Section 12 prevents individuals from being required to undergo an assessment of their physical condition or mental health in order to be given assistance through the Scottish social security system, where that assessment is carried out by a person who is not employed by a public body.

Section 13 places a duty on the Scottish Ministers, when arranging an assessment of an individual’s physical condition or mental health, to ensure that the assessor is suitably qualified. It also gives a power to the Scottish Ministers to specify in regulations who is to be regarded as a suitably qualified person to carry out assessments.

Section 14 provides that an individual should only be required to undergo an assessment if it is the only practicable way to obtain the information that is needed to make a decision about the assistance they are eligible for. If an individual states any wishes about where and how they would like an assessment to be undertaken, the Scottish Ministers must consider them.

Section 55 places a duty on the Scottish Ministers, when they have made a request for information from an individual which would require them to undergo an assessment, to inform the individual of the reasons why the assessment is considered necessary. It requires further information to be provided to the individual, where a face-to-face assessment will be needed.

Section 60 makes provision for individuals to request access to reports used in making a determination of their entitlement. If a person requests a copy of the report, the Scottish Ministers must comply with the request, except where it would breach data protection rules to provide the report.

The Bill for the 2018 Act received Royal Assent on 1 June 2018. Part 7 of that Act (sections 95 to 100: final provisions) came into force the following day.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Social Security (Scotland) Act 2018 have been brought into force by commencement Regulations made before the date of these Regulations—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1 to 9	22 October 2018	S.S.I. 2018/298
Section 10	30 June 2020	S.S.I. 2020/75
Section 11	27 March 2020	S.S.I. 2020/75
Sections 15 to 20	22 October 2018	S.S.I. 2018/298
Sections 21 and 22	21 January 2019	S.S.I. 2018/393
Sections 23 to 27	22 October 2018	S.S.I. 2018/298
Section 28	14 October 2019	S.S.I. 2019/269

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 30	1 September 2020	S.S.I. 2020/127
Section 31	8 October 2020	S.S.I. 2020/295
Section 32	10 December 2018	S.S.I. 2018/357
Section 34	11 September 2019	S.S.I. 2019/269
Section 36	8 October 2020	S.S.I. 2020/295
Sections 37 to 54	22 October 2018	S.S.I. 2018/298
Sections 56 to 59	22 October 2018	S.S.I. 2018/298
Sections 61 to 69	22 October 2018	S.S.I. 2018/298
Section 70	11 September 2019	S.S.I. 2019/269
Sections 71 to 75	22 October 2018	S.S.I. 2018/298
Section 76 (partially)	3 September 2018	S.S.I. 2018/250
Section 76 (fully)	22 October 2018	S.S.I. 2018/298
Sections 77 and 78	30 October 2019	S.S.I. 2019/269
Sections 79 and 80	1 May 2020	S.S.I. 2020/127
Sections 81 to 85	3 September 2018	S.S.I. 2018/250
Section 87	22 October 2018	S.S.I. 2018/298
Section 91 (partially)	1 April 2020	S.S.I. 2020/75
Schedule 1	21 January 2019	S.S.I. 2019/393
Schedule 2	14 October 2019	S.S.I. 2019/269
Schedule 4	1 September 2020	S.S.I. 2020/127
Schedule 5	8 October 2020	S.S.I. 2020/295
Schedule 6	10 December 2018	S.S.I. 2018/357
Schedule 8	11 September 2019	S.S.I. 2019/269
Schedule 10	8 October 2020	S.S.I. 2020/295