



Scotland Act 2016

2016 CHAPTER 11

PART 3

WELFARE BENEFITS AND EMPLOYMENT SUPPORT

General

34 Information-sharing

- (1) Information held by the Secretary of State for the purpose of a social security function may be supplied by the Secretary of State to the Scottish Ministers for use for the purpose of a relevant Scottish social security function.
- (2) Where information is supplied to the Scottish Ministers under subsection (1) for use for any purpose, they may use it for any other purposes for which information held by them for that purpose may be used.
- (3) Information held by the Scottish Ministers for the purpose of a relevant Scottish social security function may be supplied by them to the Secretary of State for use for the purpose of a social security function.
- (4) Where information is supplied to the Secretary of State under subsection (3) for use for any purpose, the Secretary of State may use it for any other purposes for which information held by him or her for that purpose may be used.
- (5) In subsections (1) to (4)—
 - (a) references to the Secretary of State include a person providing services to him or her;
 - (b) references to the Scottish Ministers include a person providing services to them.
- (6) Information supplied under this section must not be supplied by the recipient of the information to any other person or body without—
 - (a) the authority of the Secretary of State, in the case of information supplied under subsection (1);

Changes to legislation: Scotland Act 2016, Section 34 is up to date with all changes known to be in force on or before 16 September 2023. 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

- (b) the authority of the Scottish Ministers, in the case of information supplied under subsection (3).

(7) In this section—

“social security function” means a function of the Secretary of State relating to—

- (a) social security,
- (b) the investigation or prosecution of offences relating to tax credits,
- (c) employment or training,
- (d) war pensions,
- (e) welfare foods, or
- (f) any other prescribed matter;

“relevant Scottish social security function” means—

- (a) a function which is exercisable by the Scottish Ministers within devolved competence by virtue of any of the following provisions of Part 2 of Schedule 5 to the Scotland Act 1998—
 - (i) exceptions 1, 2, 4 to 8 and 10 in Section F1 (social security schemes), and
 - (ii) exception 1 in Section H3 (job search and support);
- (b) a function of the Scottish Ministers under or by virtue of—
 - (i) section 29 (universal credit: costs of claimants who rent accommodation), or
 - (ii) section 30 (universal credit: persons to whom, and time when, paid);
- (c) a function of the Scottish Ministers relating to welfare foods;
- (d) any other prescribed function of the Scottish Ministers.

(8) In subsection (7)—

- (a) the reference to a function being exercisable within devolved competence is to be read in accordance with section 54 of the Scotland Act 1998;
- (b) “war pensions” means schemes for the payment of pensions, grants, allowances, supplements or gratuities for or in respect of persons who have a disablement or have died in consequence of service as members of the armed forces of the Crown;
- (c) “prescribed” means prescribed by regulations made by the Secretary of State.

(9) Regulations under this section must be made by statutory instrument.

(10) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

Modifications etc. (not altering text)

- C1** S. 34 modified (28.6.2022) by [Social Security \(Additional Payments\) Act 2022 \(c. 38\)](#), **ss. 7(4)**, 11(2)
C2 S. 34 modified (23.3.2023) by [Social Security \(Additional Payments\) Act 2023 \(c. 7\)](#), **ss. 7(4)**, 12(2)
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Commencement Information

- I1** S. 34 in force at 5.9.2016 by [S.I. 2016/759](#), **reg. 3(k)**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/455, reg. 3 by [S.I. 2019/1438 reg. 2](#)