



Welfare Funds (Scotland) Act 2015

2015 asp 5

Supplementary

4 Further provision

- (1) The Scottish Ministers may, by regulations, make further provision in connection with sections 1 to 3.
- (2) Regulations made under this section may, in particular, make provision—
 - (a) about how an application to receive assistance in pursuance of section 2 is to be made,
 - (b) about the procedure which local authorities are to follow in relation to such applications, including the period within which they are to take any particular steps,
 - (c) about the eligibility of individuals to receive assistance in pursuance of section 2,
 - (d) about other circumstances in which assistance may, or may not, be provided in pursuance of section 2,
 - (e) about the type of assistance which may be so provided,
 - (f) about circumstances in which amounts may require to be repaid or recovered in respect of assistance which has been so provided,
 - (g) requiring a local authority to provide the Scottish Ministers with such information in connection with the exercise of its functions under sections 1 to 3 as may be specified in the regulations,
 - (h) about the procedure which local authorities are to follow in relation to reviews in pursuance of section 3, or applications for such reviews, including the period within which they are to take any particular steps,
 - (i) requiring persons to provide information for the purposes of a review by a local authority in pursuance of section 3,
 - (j) about circumstances in which an application to receive assistance or an application for review by a local authority may be made by a person on behalf of an individual.
- (3) Regulations making provision of a type described in subsection (2)(b) must provide that a local authority is to make its decision on an application for assistance in pursuance of section 2(1)(a)—

- (a) immediately after the authority has received all information allowing a decision to be made, and
 - (b) in any event, no later than the end of the next working day.
- (4) Regulations made under this section may make—
- (a) different provision for different purposes,
 - (b) incidental, supplementary, consequential, transitional, transitory or saving provision.
- (5) Regulations made under this section are subject to the affirmative procedure.

5 Respect for, and dignity of, applicants for assistance

In exercising its functions under sections 1 to 3, or any regulations under section 4, a local authority must take reasonable steps to ensure—

- (a) that applicants for assistance in pursuance of section 2 are treated with respect, and
- (b) that their dignity is preserved.

6 Guidance

- (1) A local authority must have regard to any guidance issued by the Scottish Ministers in connection with the exercise of its functions under—
- (a) sections 1 to 3,
 - (b) any regulations made under section 4.
- (2) Guidance issued under this section—
- (a) must be addressed to, and apply in the same way to, all local authorities,
 - (b) may be general or specific,
 - (c) may be varied or revoked.
- (3) Before issuing, varying or revoking guidance, the Scottish Ministers must consult—
- (a) such body representing local authorities as they think fit,
 - (b) the Ombudsman, and
 - (c) such other persons as they consider appropriate.
- (4) The Scottish Ministers must publish guidance issued under this section in such manner as they consider appropriate.