



Social Security (Scotland) Act 2018

2018 asp 9

PART 2

GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

CHAPTER 1

ASSISTANCE TO BE GIVEN ACCORDING TO DETERMINATION OF ENTITLEMENT

24 Duty to give assistance

The Scottish Ministers must give an individual whatever assistance of a type described in Chapter 2 the individual is entitled to be given under a determination of the individual's entitlement to assistance.

25 Meaning of “determination of entitlement”

- (1) References in this Part to a determination of an individual's entitlement to assistance are to a determination made—
- (a) by the Scottish Ministers—
 - (i) under section 37, or
 - (ii) (following a request for a re-determination) under section 43,
 - (b) by the First-tier Tribunal for Scotland—
 - (i) under section 49 in an appeal against a determination made by the Scottish Ministers, or
 - (ii) (subsequent to such an appeal) under its Tribunals Act powers,
 - (c) by the Upper Tribunal for Scotland under its Tribunals Act powers (subsequent to an appeal against, or following a review of, a decision of the First-tier Tribunal),
 - (d) by the Court of Session under its Tribunals Act powers (in an appeal against a decision of the Upper Tribunal), or
 - (e) by the Supreme Court of the United Kingdom—
 - (i) in an appeal under section 40 of the Court of Session Act 1988 against a decision of the Court of Session, or

(ii) on a reference made by the Court of Session under schedule 6 of the Scotland Act 1998.

(2) In this section, “Tribunals Act powers” means powers under Part 6 (review or appeal of decisions) of the Tribunals (Scotland) Act 2014.

26 Individual’s right to stop receiving assistance

(1) An individual may request that the Scottish Ministers cancel a determination of the individual’s entitlement to assistance.

(2) On being requested to do so under subsection (1), the Scottish Ministers must cancel a determination—

- (a) with immediate effect, or
- (b) with effect from a later date specified in the request.

(3) An individual is not entitled, and is not to become entitled, to be given assistance by a determination after it has been cancelled.

(4) A request under subsection (1) must be made in such form as the Scottish Ministers require.

(5) The Scottish Ministers must publicise any requirements for the time being set under subsection (4).

27 Later determination supersedes earlier

(1) The latest determination of an individual’s entitlement to a particular type of assistance in respect of a given period or event supersedes any earlier determination insofar as it deals with the individual’s entitlement to that type of assistance in respect of the same period or event.

(2) Accordingly the individual is not entitled, and is not to become entitled, to be given any assistance in respect of that period or event by the earlier determination insofar as it has been superseded.