



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 2

#### GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

#### CHAPTER 4

#### FURTHER PROVISION ABOUT DETERMINING ENTITLEMENT

##### *Identifying possible eligibility*

#### **53 Duty to inform about possible eligibility**

- (1) Subsection (2) applies if, in the course of their making a determination of an individual's entitlement to assistance, it appears to the Scottish Ministers that the individual may be eligible for other assistance.
- (2) The Scottish Ministers must—
  - (a) inform the individual that the individual may be eligible for the other assistance, and
  - (b) either—
    - (i) provide the individual with information about how to apply for it, or
    - (ii) if regulations under section 52 so allow, ask the individual whether they should proceed with making a determination of the individual's entitlement to the other assistance without receiving an application.
- (3) Subsection (2)(b)(ii) does not preclude the Scottish Ministers from requesting further information under section 54(1) for the purpose of determining the individual's entitlement to the other assistance.
- (4) In this section, “other assistance” means—
  - (a) a different type of assistance described in Chapter 2 from the type of assistance that the determination mentioned in subsection (1) relates to, or
  - (b) the same type of assistance as that determination relates to, but in respect of a different period or (as the case may be) event.

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**Status:** Point in time view as at 10/12/2019.

**Changes to legislation:** *Social Security (Scotland) Act 2018, Cross Heading: Identifying possible eligibility is up to date with all changes known to be in force on or before 03 April 2024. 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)*

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#### **Commencement Information**

- II** S. 53 in force at 22.10.2018 by [S.S.I. 2018/298](#), **reg. 2(1)(h)** (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), regs. 1, **2(2)**)

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