



Social Security (Scotland) Act 2018

2018 asp 9

PART 2

GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

CHAPTER 6

OFFENCES AND INVESTIGATIONS

Investigations

75 Power to make provision about investigations

- (1) The Scottish Ministers may by regulations make provision about the investigation of offences under this Act.
- (2) Regulations under subsection (1) may, in particular—
 - (a) confer powers to—
 - (i) enter and search premises (other than dwelling-houses), and
 - (ii) seize anything relevant to the investigation which is found on the premises,
 - (b) create offences relating to—
 - (i) a failure to provide information requested for the purposes of an investigation,
 - (ii) obstruction of the conduct of an investigation,
 - (iii) any breach of the regulations,
 - (c) make provision about the time limit for bringing proceedings.
- (3) The maximum penalty that may be provided for in regulations under subsection (1) is, on summary conviction, a fine not exceeding level 3 on the standard scale.

Commencement Information

II S. 75 in force at 22.10.2018 by [S.S.I. 2018/298](#), [reg. 2\(1\)\(m\)](#) (with [reg. 3](#))

Status: Point in time view as at 22/10/2018.

Changes to legislation: *Social Security (Scotland) Act 2018, Cross Heading: Investigations is up to date with all changes known to be in force on or before 01 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)*

76 Code of practice on investigations

- (1) The Scottish Ministers must publish a code of practice on investigations carried out by virtue of section 75.
- (2) The Scottish Ministers—
 - (a) must keep the code of practice under review,
 - (b) may from time to time revise the code of practice.
- (3) Before publishing the code of practice, the Scottish Ministers must consult publicly on a draft of the code.
- (4) The Scottish Ministers must, as soon as practicable after publication, lay before the Scottish Parliament a copy of the code of practice.
- (5) A court or tribunal in civil or criminal proceedings must take the code of practice into account when determining any question to which the code is relevant.
- (6) Breach of the code of practice does not of itself give rise to grounds for any legal action.
- (7) Subsections (2) to (6) apply in relation to a revised code of practice as they apply in relation to the first published code of practice.

Commencement Information

- I2** S. 76 (now renumbered as s. 84B) in force at 3.9.2018 for specified purposes by [S.S.I. 2018/250](#), [reg. 2\(2\)](#) (with [reg. 3](#))
- I3** S. 76 (now renumbered as s. 84B) in force at 22.10.2018 in so far as not already in force by [S.S.I. 2018/298](#), [reg. 2\(2\)](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 2\(2\)](#))

Status:

Point in time view as at 22/10/2018.

Changes to legislation:

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