



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 4 **S**

#### FURTHER PROVISION IN CONNECTION WITH PARTS 2 AND 3

#### *<sup>F1</sup>Investigations*

##### Textual Amendments

- F1** S. 84A: s. 75 and cross-heading renumbered as s. 84A and cross-heading (11.11.2020) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), ss. **5(4)**, 18(1) (with s. 6)

#### **[<sup>F1</sup>84A] Power to make provision about investigations **S****

- (1) The Scottish Ministers may by regulations make provision about the investigation of offences under this Act [<sup>F2</sup>or regulations under section 79].
- (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.

*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 29 December 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*

#### Textual Amendments

- F2** Words in s. 84A(1) inserted (11.11.2020) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), **ss. 5(6)**, 18(1) (with s. 6)

#### Commencement Information

- I1** S. 75 (now renumbered as s. 84A) in force at 22.10.2018 by [S.S.I. 2018/298](#), **reg. 2(1)(m)** (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), regs. 1, 2(2))

### [<sup>F3</sup>84B] Code of practice on investigations **S**

- (1) The Scottish Ministers must publish a code of practice on investigations carried out by virtue of section [<sup>F4</sup>84A].
- (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.

#### Textual Amendments

- F3** S. 84B: s. 76 renumbered as s. 84B (11.11.2020) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), **ss. 5(5)**, 18(1) (with s. 6)
- F4** Word in s. 84B(1) substituted (11.11.2020) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), **ss. 5(7)**, 18(1) (with s. 6)

#### 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))

**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 29 December 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81(4C) inserted by [2021 asp 20 s. 2\(a\)](#)
- s. 85D inserted by [2020 asp 18 s. 2\(6\)](#)