



Social Security (Scotland) Act 2018

2018 asp 9

PART 1

TENETS AND OVERSIGHT

Assessments

12 Restriction on private-sector involvement in assessments

- (1) An individual may not be required, in order to be given assistance through the Scottish social security system, to undergo an assessment of physical condition or mental health that is carried out by another individual who is not acting in the course of employment by a public body.
- (2) In subsection (1), “public body” means any of the following—
 - (a) a Minister of the Crown,
 - (b) a person established by an enactment,
 - (c) a body comprised solely of persons described by this subsection,
 - (d) a body corporate that has no members other than (either or both)—
 - (i) persons described by this subsection,
 - (ii) persons acting on behalf of persons described by this subsection.
- (3) For the purposes of this section, an individual may be regarded as carrying out an assessment in the course of employment by a body if the individual carries out the assessment pursuant to an agreement between the body and the individual; it is immaterial that the individual would not be regarded as an employee of the body for the purposes of any other enactment.
- (4) Subsection (1) does not preclude its being made a requirement for being given assistance through the Scottish social security system that an individual be—
 - (a) in receipt of, or
 - (b) eligible or entitled to receive,other assistance, despite entitlement to that other assistance depending on the fulfilment of a requirement that subsection (1) would preclude from being imposed in relation to the giving of assistance through the Scottish social security system.

Status: This is the original version (as it was originally enacted).

- (5) In subsection (4), “other assistance” means assistance other than assistance given through the Scottish social security system.