



Social Security (Scotland) Act 2018

2018 asp 9

PART 2

GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

CHAPTER 3

DETERMINING ENTITLEMENT

Determination by the Scottish Ministers

40 Notice of determination

- (1) Having made a determination under section 37 of an individual's entitlement to assistance, the Scottish Ministers must inform the individual—
- of the determination,
 - of the reasons for it,
 - of the individual's right under section 41 to request that the Scottish Ministers re-determine the individual's entitlement to the assistance,
 - that the individual will have the right under section 46 to appeal to the First-tier Tribunal against the determination should the Scottish Ministers fail to deal with a request for a re-determination within the period allowed for re-determination, and
 - if relevant, that the individual has the right to request a copy of an assessment report under section 60.
- (2) The Scottish Ministers must fulfil their duty under subsection (1) in a way that leaves the individual with a record of the information which the individual can show to, or otherwise share with, others.

Commencement Information

- II** S. 40 in force at 22.10.2018 by [S.S.I. 2018/298](#), [reg. 2\(1\)\(g\)](#) (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, Section 40 is up to date with all changes known to be in force on or before 22 February 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.

[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\(6\)](#)