



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 2

#### GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

### CHAPTER 3

#### DETERMINING ENTITLEMENT

##### *The determination of entitlement*

#### **50 Decisions comprising determination**

- (1) A determination of an individual's entitlement to a particular type of assistance consists of—
- (a) a decision about whether or not the eligibility rules prescribed in the applicable regulations are satisfied in the individual's case,
  - (b) if those rules are satisfied, a decision (taken in accordance with the applicable regulations) about what assistance of the type in question the individual is entitled to be given,
  - (c) if the determination is to be made on the basis that the individual has ongoing entitlement to the type of assistance in question (see section 51), a decision about what assistance of the type in question the determination is to entitle the individual to be given in the future, and
  - (d) if the determination is of an individual's entitlement to assistance in respect of an event, a decision about whether the individual's application for assistance in respect of the event is possibly premature.
- (2) If it is decided under subsection (1)(d) that an individual's application for assistance in respect of an event is possibly premature, the determination must include a statement that the individual may make another application for assistance in respect of the event.
- (3) An individual's application for assistance in respect of an event is possibly premature for the purpose of subsection (1)(d) if—

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**Changes to legislation:** *Social Security (Scotland) Act 2018, Section 50 is up to date with all changes known to be in force on or before 27 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*

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- (a) the decision under subsection (1)(a) is that the eligibility rules prescribed in the applicable regulations are not satisfied in the individual's case, and
  - (b) it is possible that circumstances may change so that, in relation to the event in question, those rules will be satisfied in the individual's case.
- (4) In this section, “the applicable regulations” means the regulations made under the section in Chapter 2 that describes the type of assistance in question.

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**Commencement Information**

- II** S. 50 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\(2\)](#))

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**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\(6\)](#)