



Social Security (Scotland) Act 2018

2018 asp 9

PART 2

GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

CHAPTER 4

FURTHER PROVISION ABOUT DETERMINING ENTITLEMENT

Right to appeal Scottish Ministers' process decisions

61 Appeal to First-tier Tribunal against process decisions

- (1) An individual may appeal to the First-tier Tribunal for Scotland against a decision by the Scottish Ministers—
 - (a) to reject something purporting to be an application for assistance (see section 38),
 - (b) that something purporting to be a request for a re-determination does not satisfy the condition in section 41(3),
 - (c) that an individual has no good reason for not requesting a re-determination sooner (see section 42).
- (2) An appeal under this section—
 - (a) may be brought without the First-tier Tribunal's permission within the period of 31 days beginning with the day the individual was informed of the decision in accordance with this Act,
 - (b) may be brought only with the First-tier Tribunal's permission after the period mentioned in paragraph (a),
 - (c) may not be brought after the end of the period of one year beginning with the day the individual was informed of the decision in accordance with this Act.
- (3) The First-tier Tribunal may give permission under subsection (2)(b) for an appeal to be made only if it is satisfied that there is a good reason for the appeal not having been made sooner.

Changes to legislation: *Social Security (Scotland) Act 2018, Section 61 is up to date with all changes known to be in force on or before 17 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*

- (4) A decision by the First-tier Tribunal about—
- (a) the outcome of an appeal under this section, or
 - (b) whether to give permission under subsection (2)(b) for an appeal to be brought,
- is final.
- (5) Accordingly (and without prejudice to the generality of subsection (4)), any such decision by the First-tier Tribunal may be neither—
- (a) reviewed under section 43 of the Tribunals (Scotland) Act 2014, nor
 - (b) appealed against under section 46 of that Act.

Commencement Information

- II** S. 61 in force at 22.10.2018 by [S.S.I. 2018/298](#), [reg. 2\(1\)\(j\)](#) (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\(6\)](#)