



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.

Status: This is the original version (as it was originally enacted).

- (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.