



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 3

#### SUPPLEMENTING ASSISTANCE UNDER OTHER ENACTMENTS

##### *Top up of reserved benefits*

#### **[<sup>F1</sup>80A Default provision in respect of offences**

- (1) Sections 71 to 73 (which establish offences) apply in connection with financial assistance given by virtue of top-up assistance regulations as they apply in connection with assistance given under section 24.
- (2) But subsection (1) is subject to any contrary provision in top-up assistance regulations.
- (3) Where they apply by virtue of subsection (1), sections 71 to 73 apply subject to the following modifications—
  - (a) a reference to assistance is to be read as a reference to financial assistance provided for by top-up assistance regulations,
  - (b) a reference to giving notice in accordance with section 56 is to be read as a reference to giving notice in accordance with top-up assistance regulations,
  - (c) sections 72(3) and 73(3) do not apply unless, in accordance with top-up assistance regulations, the Scottish Ministers have informed the person in question about the way in which notification of a change of circumstances is to be given.
- (4) For the avoidance of doubt, the reference in section 74 to an offence under this Act or any regulations made under it includes—
  - (a) an offence under any of sections 71 to 73 as applied by virtue of subsection (1),
  - (b) an offence under top-up assistance regulations.
- (5) In this section, “top-up assistance regulations” means regulations under section 79.]

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*Changes to legislation: Social Security (Scotland) Act 2018, Section 80A 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*

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#### **Textual Amendments**

- F1** [S. 80A](#) inserted (11.11.2020) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), [ss. 4\(4\)](#), [18\(1\)](#)

**Changes to legislation:**

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[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\(6\)](#)