



Social Security Administration and Tribunal Membership (Scotland) Act 2020

2020 asp 18

PART 1

SOCIAL SECURITY ADMINISTRATION

Appointees

1 Appointment of person to act on behalf of child

- (1) The Social Security (Scotland) Act 2018 is modified as follows.
- (2) After section 85 insert—

“Appointees

85A Appointment of person to act on behalf of child

- (1) The Scottish Ministers may appoint a person (an “appointee”) to act on behalf of a child in connection with the determination of the child's entitlement to assistance under section 24 or regulations under section 79.
- (2) An appointment under subsection (1) may, if the Scottish Ministers consider it appropriate, include an appointment of the person to receive such assistance on the child's behalf.
- (3) The Scottish Ministers may only appoint an appointee if it appears to them that there is no person who—
 - (a) has authority to act on behalf of the child,
 - (b) resides with, and has care of, the child, and
 - (c) is willing, and practicably able, to act on the child's behalf in relation to the matter mentioned in subsection (1).
- (4) An individual who is under 16 years may not be appointed as an appointee.

Changes to legislation: There are currently no known outstanding effects for the Social Security Administration and Tribunal Membership (Scotland) Act 2020, Section 1. (See end of Document for details)

- (5) Where an appointee is appointed under subsection (1) to act on behalf of a child—
- (a) the appointee can do anything that a person with authority (however arising) to act on behalf of the child in relation to the determination of the child's entitlement to assistance could do in connection with the determination of the child's entitlement to assistance (including making an application for assistance),
 - (b) the Scottish Ministers may request that the appointee provide them with information that the Ministers may otherwise request under section 54 or (as the case may be) the regulations under section 79 (and in the case of section 54, subsections (2) and (3) of that section apply to that request as they apply to a request made to the child),
 - (c) any information that would be given to the child under or by virtue of Part 2 or (as the case may be) the regulations, must be given to the appointee instead.
- (6) The Scottish Ministers may terminate an appointment under subsection (1) at any time.
- (7) In this section, “child” means an individual who is under 16 years.”.

Changes to legislation:

There are currently no known outstanding effects for the Social Security Administration and Tribunal Membership (Scotland) Act 2020, Section 1.