



Social Security Administration and Tribunal Membership (Scotland) Act 2020

2020 asp 18

PART 1

SOCIAL SECURITY ADMINISTRATION

Top up of reserved benefits

4 Offences

- (1) The Social Security (Scotland) Act 2018 is modified as follows.
- (2) In section 79(2), after paragraph (f) insert—
“(g) offences.”.
- (3) In section 80, after subsection (3) insert—
“(4) The maximum penalty that may be provided for in regulations under section 79 in respect of an offence under those regulations is—
 - (a) on summary conviction—
 - (i) imprisonment for a term not exceeding 12 months,
 - (ii) a fine not exceeding the statutory maximum, or
 - (iii) both,
 - (b) on conviction on indictment—
 - (i) imprisonment for a term not exceeding 5 years,
 - (ii) a fine, or
 - (iii) both.”.
- (4) After section 80 insert—

“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.”.