

Status: Point in time view as at 07/04/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, Cross Heading: Social security. (See end of Document for details)

SCHEDULE 7 **S** OTHER MEASURES IN RESPONSE TO CORONAVIRUS

Social security

- 1 The Social Security (Scotland) Act 2018—
 - (a) is amended by paragraphs 2 to 4, and
 - (b) applies in accordance with the modifications in paragraph 5.
- 2 In section 41 (right to request re-determination)—
 - (a) in subsection (2)(b), after “(4)” insert “ (read with section 52A) ”,
 - (b) in subsection (4)(b)(ii), after “determination” insert “ (but see section 52A) ”.
- 3 In section 48 (deadline for appealing), in subsection (1)(c) after “occurred” insert “ (but see section 52A) ”.
- 4 After section 52 insert—

“Coronavirus: relaxation of deadlines

52A Re-determination and appeal deadlines

- (1) A request for a re-determination satisfies the condition in subsection (4) of section 41, despite being made after the expiry of the period described in paragraph (b) of that subsection, if the person deciding whether the individual has a good reason for not requesting a re-determination sooner decides that the individual has a good reason that is related to coronavirus.
- (2) An appeal may be brought under section 46, despite the appeal application being made after the expiry of the period described in paragraph (c) of subsection (1) of section 48, if the First-tier Tribunal gives permission for the appeal to be brought under paragraph (b) of that section on the basis of being satisfied that the good reason for the application not being made sooner is related to coronavirus.
- (3) Any provision of Scottish Tribunal Rules that would (but for this subsection) have the effect of precluding an appeal being brought by virtue of subsection (2) is to be disregarded to the extent that it would have that effect.
- (4) In this section, “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.

52B Applications for assistance

- (1) Subsection (2) applies where regulations under Chapter 2 make an individual's eligibility for assistance in respect of a period or event depend (in any way) on an application being made by a particular time.
- (2) The person determining an individual's entitlement to the assistance may treat the individual's application as having been made by that time if satisfied that the reason for its not being made sooner is related to coronavirus.
- (3) For the avoidance of doubt, regulations that make a person's age at the time of making an application material to the determination of an individual's entitlement to assistance are to be understood to make the individual's

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eligibility depend on the application being made by a particular time (namely the time at which the person ceases to be the specified age or fall within the specified age bracket).

(4) In this section, “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.”.

5 Section 43 (duty to re-determine) has effect as if—

- (a) in subsection (2), after “the determination” there were inserted “ as soon as reasonably practicable ”,
- (b) after subsection (5) there were inserted—

“(5A) Any regulations under subsection (5) prescribing a period, that are made before paragraph 5 of schedule 7 of the Coronavirus (Scotland) Act 2020 comes into force, are to be read as though they prescribed a period 9 weeks longer than the period actually prescribed.”.

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