

EXPLANATORY NOTES

SOCIAL SECURITY (SCOTLAND) ACT 2018

INTRODUCTION

OVERVIEW

PART 1 (TENETS AND OVERSIGHT)

Scottish social security principles (sections 1 and 2)

Scottish Ministers' duty to promote take-up (sections 3 to 7)

Strategy to promote take-up (sections 8 and 9)

Right to advocacy and service standards (sections 10 and 11)

Restriction on private-sector involvement in assessments (section 12)

Assessors to be suitably qualified (section 13)

Assessments only to be required where necessary (section 14)

Scottish social security charter (sections 15 to 19)

Annual report (section 20)

Scottish Commission on Social Security (sections 21 and 22)

Meaning of "Scottish social security system" (section 23)

PART 2 (GIVING OF ASSISTANCE BY SCOTTISH MINISTERS)

Chapter 1 (Assistance to be given according to determination of entitlement)

The duty to give assistance

Who determines entitlement?

How is entitlement determined?

Ongoing entitlement

Later determination supersedes earlier

Chapter 2 (Types of assistance to be given)

Chapter 3 (Determining entitlement)

Determination by the Scottish Ministers

Re-determination by the Scottish Ministers

Appeal against the Scottish Ministers' determination

The determination of entitlement

Chapter 4 (Further provision about determining entitlement)

Identifying possible eligibility

Obtaining information to make determination

Appointees

Support during discussions and assessments

Access to reports

Right to appeal Scottish Ministers' process decisions

Presumption about when information is received

Chapter 5 (Recovery of value of assistance)

Assistance given in error

Liability of deceased's estate for funeral expense assistance

Chapter 6 (Offences and investigations)

Chapter 7 (Uprating for inflation)

PART 3 (SUPPLEMENTING ASSISTANCE UNDER OTHER ENACTMENTS)

Top up of reserved benefits

Carer's Allowance: temporary provision

PART 4 (FURTHER PROVISION IN CONNECTION WITH PARTS 2 AND 3)

These notes relate to the Social Security (Scotland) Act 2018 (asp 9)

Inalienability of assistance

Information-sharing

Agency arrangements for housing assistance

Monitoring of appeal process

PART 5 (DISCRETIONARY HOUSING PAYMENTS)

PART 6 (UNIVERSAL CREDIT: PAYMENT TO JOINT CLAIMANTS)

PART 7 (FINAL PROVISIONS)

Ancillary provision

Parliamentary scrutiny of subordinate legislation

Commencement

Short title

PARLIAMENTARY HISTORY