



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 2

#### GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

#### CHAPTER 1

##### ASSISTANCE TO BE GIVEN ACCORDING TO DETERMINATION OF ENTITLEMENT

#### 24 Duty to give assistance

The Scottish Ministers must give an individual whatever assistance of a type described in Chapter 2 the individual is entitled to be given under a determination of the individual's entitlement to assistance.

##### Commencement Information

- II S. 24 in force at 22.10.2018 by [S.S.I. 2018/298, reg. 2\(1\)\(f\)](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406, regs. 1, 2\(2\)](#))

#### 25 Meaning of “determination of entitlement”

- (1) References in this Part to a determination of an individual's entitlement to assistance are to a determination made—
- (a) by the Scottish Ministers—
    - (i) under section 37, or
    - (ii) (following a request for a re-determination) under section 43,
  - (b) by the First-tier Tribunal for Scotland—
    - (i) under section 49 in an appeal against a determination made by the Scottish Ministers, or
    - (ii) (subsequent to such an appeal) under its Tribunals Act powers,

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- (c) by the Upper Tribunal for Scotland under its Tribunals Act powers (subsequent to an appeal against, or following a review of, a decision of the First-tier Tribunal),
- (d) by the Court of Session under its Tribunals Act powers (in an appeal against a decision of the Upper Tribunal), or
- (e) by the Supreme Court of the United Kingdom—
  - (i) in an appeal under section 40 of the Court of Session Act 1988 against a decision of the Court of Session, or
  - (ii) on a reference made by the Court of Session under schedule 6 of the Scotland Act 1998.

(2) In this section, “Tribunals Act powers” means powers under Part 6 (review or appeal of decisions) of the Tribunals (Scotland) Act 2014.

**Commencement Information**

**I2** S. 25 in force at 22.10.2018 by [S.S.I. 2018/298](#), [reg. 2\(1\)\(f\)](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 2\(2\)](#))

**26 Individual's right to stop receiving assistance**

- (1) An individual may request that the Scottish Ministers cancel a determination of the individual's entitlement to assistance.
- (2) On being requested to do so under subsection (1), the Scottish Ministers must cancel a determination—
  - (a) with immediate effect, or
  - (b) with effect from a later date specified in the request.
- (3) An individual is not entitled, and is not to become entitled, to be given assistance by a determination after it has been cancelled.
- (4) A request under subsection (1) must be made in such form as the Scottish Ministers require.
- (5) The Scottish Ministers must publicise any requirements for the time being set under subsection (4).

**Commencement Information**

**I3** S. 26 in force at 22.10.2018 by [S.S.I. 2018/298](#), [reg. 2\(1\)\(f\)](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 2\(2\)](#))

**27 Later determination supersedes earlier**

- (1) The latest determination of an individual's entitlement to a particular type of assistance in respect of a given period or event supersedes any earlier determination insofar as it deals with the individual's entitlement to that type of assistance in respect of the same period or event.

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- (2) Accordingly the individual is not entitled, and is not to become entitled, to be given any assistance in respect of that period or event by the earlier determination insofar as it has been superseded.

**Commencement Information**

- I4** S. 27 in force at 22.10.2018 by [S.S.I. 2018/298](#), **reg. 2(1)(f)** (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), **regs. 1, 2(2)**)

**Changes to legislation:**

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**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\(6\)](#)