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*Changes to legislation: Social Security (Scotland) Act 2018, Cross Heading: Disqualification grounds is up to date with all changes known to be in force on or before 24 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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## SCHEDULE 1 SCOTTISH COMMISSION ON SOCIAL SECURITY

### PART 1

#### OPERATION AND COMPOSITION OF THE COMMISSION

#### CHAPTER 5

#### MEMBERSHIP

##### *Disqualification grounds*

- 17 (1) A person is disqualified from being a member of the Commission if sub-paragraph (2) or (3) applies to the person.
- (2) This sub-paragraph applies to a person who is—
- (a) a member of the—
    - (i) Scottish Parliament,
    - (ii) House of Commons,
    - (iii) House of Lords,
    - (iv) National Assembly for Wales,
    - (v) Northern Ireland Assembly, or
    - (vi) European Parliament,
  - (b) a councillor of any local authority,
  - (c) a member of the Scottish Government,
  - (d) a Minister of the Crown,
  - (e) an office-holder of the Crown in right of Her Majesty's Government in the United Kingdom,
  - (f) an office-holder in the Scottish Administration,
  - (g) a civil servant,
  - (h) one of the members of the Scottish Tribunals, as defined in section 13(3) of the Tribunals (Scotland) Act 2014,
  - (i) a judge, or other member, of the Upper Tribunal or First-tier Tribunal established by section 3 of the Tribunals, Courts and Enforcement Act 2007.
- (3) This sub-paragraph applies to a person (subject to sub-paragraph (4)) who is or has been—
- (a) disqualified as a company director under the Company Directors Disqualification Act 1986,
  - (b) disqualified as a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005,
  - (c) the subject of a disqualification under a disqualification provision analogous to either of those mentioned in paragraph (a) or (b) anywhere in the world.
- (4) Sub-paragraph (3) does not apply to a person who is or has been disqualified as mentioned in that sub-paragraph only by—
- (a) section 11 of the Company Directors Disqualification Act 1986 (undischarged bankrupts),

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- (b) section 69(2)(b) of the Charities and Trustee Investment (Scotland) Act 2005 (which disqualifies undischarged bankrupts from being charity trustees), or
- (c) a provision analogous to either of those mentioned in paragraph (a) or (b) anywhere in the world.

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**Commencement Information**

- II** Sch. 1 para. 17 in force at 21.1.2019 by [S.S.I. 2018/393](#), [reg. 2](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 3\(2\)](#))

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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\(6\)](#)