



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 2

#### GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

### CHAPTER 3

#### DETERMINING ENTITLEMENT

##### *Determination by the Scottish Ministers*

#### **38 Application for assistance**

- (1) An application for assistance must be—
  - (a) made to the Scottish Ministers in such form, and
  - (b) accompanied by such evidence,as the Scottish Ministers require.
- (2) The Scottish Ministers must publicise any requirements for the time being set under subsection (1).
- (3) Once—
  - (a) an individual has applied for a particular type of assistance in respect of a period or (as the case may be) event, and
  - (b) the Scottish Ministers have made a determination of the individual's entitlement to that type of assistance in respect of the period or event,the individual cannot make another application for that type of assistance in respect of the period or event.
- (4) Despite subsection (3), an individual may make another application for a particular type of assistance in respect of an event if the latest determination of the individual's entitlement to that type of assistance in respect of the event states that the individual may make another application.

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*Status: This is the original version (as it was originally enacted).*

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- (5) If the Scottish Ministers reject something purporting to be an application for assistance, they must inform the individual concerned of—
- (a) the decision to do that,
  - (b) the reasons for it, and
  - (c) the individual's right to appeal under section 61.