



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 2

#### GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

#### CHAPTER 4

#### FURTHER PROVISION ABOUT DETERMINING ENTITLEMENT

##### *Obtaining information to make determination*

#### **55 Requirement to justify assessment requests**

- (1) This section applies to a request for information from an individual under section 54(1) if fulfilling the request would require the individual to undergo an assessment.
- (2) When making the request, the Scottish Ministers must inform the individual why they consider requiring the individual to undergo an assessment to be the only practicable way to obtain the information.
- (3) If the individual would have to undergo a face-to-face assessment in order to fulfil the request, when making the request the Scottish Ministers must also inform the individual what consideration they have given to—
  - (a) any preference the individual has expressed to them concerning where and how assessments are carried out,
  - (b) whether the assessment could be carried out another way,
  - (c) what distance (if any) they expect the individual will have to travel in order to attend the assessment,
  - (d) the extent to which travelling to attend the assessment may—
    - (i) cause the individual distress, or
    - (ii) adversely affect the individual's health.
- (4) In subsection (3), “face-to-face assessment” means an assessment involving—
  - (a) the individual, and
  - (b) the assessor,

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**Changes to legislation:** *Social Security (Scotland) Act 2018, Section 55 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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being physically in the same place at the same time.

**Commencement Information**

**II** [S. 55](#) in force at 17.1.2022 by [S.S.I. 2021/474, reg. 2\(d\)](#)

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[View outstanding changes](#)

**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\(6\)](#)