
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

**The Social Security Assistance (Investigation
of Offences) (Scotland) Regulations 2020**

PART 2

Authorisations

Investigations: authorised officers

3.—(1) An individual is authorised by the Scottish Ministers for the purposes of these Regulations if, and only if, the Scottish Ministers grant an authorisation in accordance with this regulation in respect of the individual in relation to one or more of the matters that may be investigated (see paragraph (7)).

(2) An authorisation may only be granted to an individual who—

(a) is an employee of one of the following—

- (i) a Minister of the Crown,
- (ii) a person established by an enactment,
- (iii) a body comprised solely of persons described by this sub-paragraph, or
- (iv) a body corporate that has no members other than persons described by this paragraph or persons acting on behalf of persons described by this paragraph, and

(b) has undertaken such training as the Scottish Ministers consider appropriate to enable the individual to exercise the powers conferred by regulations 4, 7 and 8.

(3) An authorisation ceases to have effect if that individual's employment terminates.

(4) An authorisation—

- (a) must be contained in a certificate provided to that individual as evidence of their entitlement to exercise powers conferred by these Regulations,
- (b) may contain provision as to the period for which the authorisation is to have effect, and
- (c) may restrict the powers exercisable under the authorisation so as to limit their exercise to particular matters that may be investigated, to particular circumstances or in relation to particular types of assistance.

(5) An authorisation may be withdrawn at any time by the Scottish Ministers and ceases to have effect when the authorised officer is notified of the withdrawal.

(6) An individual who for the time being has the authorisation of the Scottish Ministers is entitled, in connection with one or more of the matters that may be investigated, to exercise any of the powers which are conferred by regulations 4, 7 and 8.

(7) The matters that may be investigated are—

- (a) activity related to the possible commission of any of the following offences—

- (i) an offence under section 71 of the Act (offence of trying to obtain assistance by deceit),
 - (ii) an offence under section 72 of the Act (offence of failing to notify a change in circumstances),
 - (iii) an offence under section 73 of the Act (offence of causing a failure to notify a change in circumstances),
- (b) in relation to the offences referred to in sub-paragraph (a), where a disease or injury has given rise to, or may give rise to, a claim for assistance under the Act, the circumstances in which that disease or injury—
- (i) occurred, or may have occurred, or
 - (ii) was, or may have been, received or contracted.
- (8) In this regulation “type of assistance” means a type of assistance provided for by—
- (a) Chapter 2 of Part 2 of the Act (types of assistance to be given),
 - (b) any Regulations providing for financial assistance under section 79 of the Act (power to provide for top up).