

WELFARE FUNDS (SCOTLAND) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON INDIVIDUAL PROVISIONS

Section 4: Further provision

23. This section provides the Scottish Ministers with the power to make regulations to set out how welfare funds should operate, and what local authorities' functions are in relation to the funds.
24. Subsection (2) sets out a number of particular matters about which the Scottish Ministers may make provision in regulations. Any regulations made under this section will in effect set out the detailed legislative framework for the operation of the welfare funds.
25. Regulations may in particular make provision about how an application to receive assistance is to be made; the procedure which local authorities are to follow in relation to applications; eligibility to receive assistance; other circumstances in which assistance may, or may not be provided; the type of assistance which may be provided; and circumstances in which payments or assistance may or may not be repaid or recovered. They may also make provision requiring local authorities to provide the Scottish Ministers with information for monitoring and reporting purposes; about the procedure which local authorities are to follow in relation to reviews or applications for reviews, including the period within which they are to take particular steps; requiring applicants to the funds to provide information for the purposes of a review by a local authority and about circumstances in which an application to receive assistance or an application for review by a local authority may be made by a person on behalf of an individual.
26. Subsection (3) provides that regulations about the procedure which local authorities are to follow in relation to applications, including the period of time they have to do certain things must provide that a local authority is to make a decision on a welfare fund application for help to meet an immediate or short term need immediately after the local authority has received all information allowing a decision to be made, and in any event, no later than the end of the next working day.
27. Subsection (4) provides that the regulations may make different provision for different purposes. They may also make incidental, supplementary, consequential, transitional, transitory or saving provision.
28. Subsection (5) provides that regulations under this section are subject to the affirmative procedure.