Social Security (Scotland) Act 2018

2018 asp 9

PART 2

GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

CHAPTER 3

DETERMINING ENTITLEMENT

Re-determination by the Scottish Ministers

43   Duty to re-determine

(1) On being requested under section 41 to re-determine an individual's entitlement to a particular type of assistance, the Scottish Ministers are to make a determination of the individual's entitlement to that type of assistance.

(2) The Scottish Ministers must aim to make the determination within the period allowed for re-determination.

(3) If the Scottish Ministers fail to make the determination within the period allowed for re-determination—

(a)   their duty to make the determination ends (but they may still make it), and

(b)   section 45 applies.

(4) If the Scottish Ministers make the determination (whether or not within the period allowed for re-determination), section 44 applies.

(5) The period allowed for re-determination is to be prescribed by the Scottish Ministers in regulations.

(6) The reference in subsection (1) to a request under section 41 is to a request that is valid according to subsection (2) of that section.

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Changes to legislation: Social Security (Scotland) Act 2018, Section 43 is up to date with all changes known to be
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that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I1 S. 43 in force at 22.10.2018 by S.S.I. 2018/298, **reg. 2(1)(g)** (with reg. 3) (as amended (10.12.2019) by S.S.I. 2019/406, regs. 1, **2(2)**)

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