



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 2

#### GIVING OF ASSISTANCE BY SCOTTISH MINISTERS

#### CHAPTER 3

#### DETERMINING ENTITLEMENT

##### *The determination of entitlement*

#### **51 Determination on basis of ongoing entitlement**

- (1) The Scottish Ministers may by regulations—
  - (a) provide that a determination of an individual's entitlement to a specified type of assistance is to be made on the basis that the individual has ongoing entitlement to that type of assistance, and
  - (b) provide for exceptions to any provision made by virtue of paragraph (a).
- (2) Regulations making provision by virtue of subsection (1)(a) are also to—
  - (a) prescribe the time, or times, at which an individual is to become entitled to be given assistance under a determination made on the basis that the individual has ongoing entitlement, and
  - (b) provide that a decision about what assistance the individual is to become entitled to be given under such a determination in respect of any future period is to be taken in accordance with the applicable regulations on the strength of such assumptions as are specified.
- (3) Without prejudice to the generality of subsection (2)(b), the assumptions that may be specified include an assumption that the eligibility rules prescribed in the applicable regulations will continue to be satisfied in an individual's case for a specified duration or indefinitely.
- (4) In this section—

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*Status: Point in time view as at 22/10/2018. This version of this provision has been superseded.*

*Changes to legislation: Social Security (Scotland) Act 2018, Section 51 is up to date with all changes known to be in force on or before 02 August 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)*

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“the applicable regulations” means the regulations made under the section in Chapter 2 that describes the type of assistance in question,

“specified” means specified by regulations under this section.

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**Commencement Information**

**II** S. 51 in force at 22.10.2018 by [S.S.I. 2018/298](#), [reg. 2\(1\)\(g\)](#) (with [reg. 3](#))

**Status:**

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