



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

54 **Obligation to provide information on request**

(1) When—

[^{F1}(a) the Scottish Ministers are either—

(i) determining an individual's entitlement to assistance (whether under section 37 or 43), or

(ii) considering whether regulations under section 52 require them to make a determination of an individual's entitlement to assistance without receiving an application, and

(b) they require further information in order to satisfy themselves about any matter material to the making of the determination of entitlement or (as the case may be) to their consideration of whether they are required to make a determination without receiving an application,]

they may request that the individual provide them with the information within such period as they specify.

[^{F2}(1A) If—

(a) the Scottish Ministers are either—

(i) determining the individual's entitlement to a type of assistance that the individual has ongoing entitlement to, or

(ii) considering whether regulations under section 52 require them to make a determination of the individual's entitlement to assistance without receiving an application,

Changes to legislation: *Social Security (Scotland) Act 2018, Section 54 is up to date with all changes known to be in force on or before 15 July 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*

- (b) the individual fails to provide the requested information by the end of the period specified under subsection (1), and
- (c) it is the first time that the individual has failed to provide the Scottish Ministers with the requested information within a specified period since they began making the determination or considering the matter mentioned in paragraph (a)(ii),

the Scottish Ministers may issue a decision to suspend the assistance to the individual in accordance with regulations under section 51(2)(aa).

- (1B) Where the Scottish Ministers issue such a decision, they must, at the same time, request that the individual provide them with the information within such further period as they specify.]
- (2) If the individual fails to provide the requested information by the end of the [F³the period specified under subsection (1) or (1B)] the Scottish Ministers may, without further consideration, proceed to make the determination on the basis that the eligibility rules prescribed in the applicable regulations are not satisfied in the individual's case (see section 50).
- (3) For the avoidance of doubt, the information which the Scottish Ministers may request an individual to provide under subsection (1) includes the results of an assessment, including one which the individual has not undergone at the time the request is made.
- [F⁴(4) The reference in subsection (1A)(a) to an individual having ongoing entitlement to a type of assistance is to an individual being entitled to be given the type of assistance in question under section 24 under a determination made on the basis that the individual has ongoing entitlement to that type of assistance.]

Textual Amendments

- F1 S. 54(1)(a)(b) substituted (26.7.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 12\(3\)\(a\)](#), 18(2)(3); S.S.I. 2021/232, reg. 2(f)
- F2 S. 54(1A)(1B) inserted (26.7.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 12\(3\)\(b\)](#), 18(2)(3); S.S.I. 2021/232, reg. 2(f)
- F3 Words in s. 54(2) substituted (26.7.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 12\(3\)\(c\)](#), 18(2)(3); S.S.I. 2021/232, reg. 2(f)
- F4 S. 54(4) inserted (26.7.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\), ss. 12\(3\)\(d\)](#), 18(2)(3); S.S.I. 2021/232, reg. 2(f)

Commencement Information

- I1 S. 54 in force at 22.10.2018 by [S.S.I. 2018/298, reg. 2\(1\)\(h\)](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406, regs. 1, 2\(2\)](#))

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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\(6\)](#)