



Social Security (Scotland) Act 2018

2018 asp 9

PART 5

DISCRETIONARY HOUSING PAYMENTS

91 Guidance

- (1) Local authorities must have regard to any guidance issued by the Scottish Ministers in connection with the exercise of the power conferred by section 88.
- (2) Guidance under subsection (1) may, in particular, deal with—
 - (a) the rules which authorities are to apply in deciding—
 - (i) whether to give someone financial assistance,
 - (ii) the amount of assistance to give, and
 - (iii) what period to give assistance for,
 - (b) the form of applications for—
 - (i) assistance, and
 - (ii) review of authorities' decisions about the giving of assistance,
 - (c) the processes which authorities are to follow in—
 - (i) determining applications for assistance and review, and
 - (ii) deciding whether to stop giving someone assistance,
 - (d) the circumstances in which authorities should, and should not, seek to recover the value of assistance given in error or following a breach of any of the conditions under which it was given.
- (3) Guidance under subsection (1) may be addressed to—
 - (a) an authority, or more than one authority, identified in the guidance, or
 - (b) all authorities.
- (4) Before issuing guidance under subsection (1), the Scottish Ministers must consult such body representing authorities as the Ministers think fit.
- (5) As soon as reasonably practicable after issuing guidance under subsection (1), the Scottish Ministers must lay a copy of the guidance before the Scottish Parliament.

Changes to legislation: Social Security (Scotland) Act 2018, Section 91 is up to date with all changes known to be in force on or before 31 May 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](#)

- (6) The Scottish Ministers must make guidance issued under subsection (1) publicly available.
- (7) The power to issue guidance under subsection (1) includes the power to—
- (a) issue guidance which varies guidance issued under that subsection, and
 - (b) revoke guidance issued under that subsection.

Commencement Information

- I1** S. 91 in force at 1.4.2020 for specified purposes by [S.S.I. 2020/75](#), [reg. 2\(2\)\(3\)](#)
- I2** S. 91 in force at 1.4.2024 in so far as not already in force by [S.S.I. 2024/57](#), [reg. 2\(d\)](#) (with [reg. 3](#))

Changes to legislation:

Social Security (Scotland) Act 2018, Section 91 is up to date with all changes known to be in force on or before 31 May 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.

[View outstanding changes](#)

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\(6\)](#)