
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision regarding the sharing of information in connection with the social security functions of the Scottish Ministers, in accordance with section 85 of the Social Security (Scotland) Act 2018 (“the 2018 Act”).

Regulation 2 specifies, for the purposes of section 85(2) of the 2018 Act, three additional persons who may be required by the Scottish Ministers to supply information to them for the purpose of a social security function. These are GP practices, the Public Guardian and suppliers of vehicles for the benefit of individuals who are entitled to the mobility component of Child Disability Payment, at the higher rate.

Regulation 3 provides an express power for the Scottish Ministers to share information with local authorities, Health Boards and GP practices, in order to receive from them information required under section 85(1) of the 2018 Act. This reflects the substantive nature of the information which may be shared.

Regulation 4 provides that information held by the Scottish Ministers for the purpose of a social security function may be supplied by them, under section 85(5) of the 2018 Act, for the purposes of a specified function to a supplier of vehicles described in regulation 2 and to a local authority. The specified function in respect of a supplier of vehicles is the provision of a vehicle. The specified functions in relation to local authorities, include establishing entitlement to council tax reduction and other forms of concession related to local taxes, establishing entitlement to a Blue Badge, and reaching decisions on making discretionary housing payments.

Regulation 5 makes clear that no more information may be supplied than is necessary to enable a specified person to fulfil a particular function or, as the case may be, to enable them to supply the information which is required from them under section 85(1) of the 2018 Act.