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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 178**

**The Social Security Information-sharing (Scotland) Regulations 2021**

**Use of information supplied by the Scottish Ministers**

4.—(1) Information held by the Scottish Ministers for the purpose of a social security function may be supplied by Ministers under section 85(5) of the 2018 Act (specification of functions) to—

- (a) a supplier of vehicles described in regulation 2(2)(a) [<sup>F1</sup>or 2(2)(aa)] for use for the purposes of the function of that person specified in paragraph (2),
  - (b) a local authority for use for the purposes of the functions of the local authority specified in paragraph (3).
  - [<sup>F2</sup>(c) where regulation 4A applies, a local authority for use for the purposes of the functions of the local authority specified in paragraph (3A),
  - (d) where regulation 4B applies, a local authority for use for the purposes of the functions of the local authority specified in paragraph (3B),
  - (e) where regulation 4C applies, the Public Guardian for use for the purposes of the function of the Public Guardian specified in paragraph (3C),]
- (2) The specified function referred to in paragraph (1)(a) is the provision of a vehicle.
- (3) The specified functions referred to in paragraph (1)(b) are—
- (a) the assessment of liability to pay local taxes used to fund local authority expenditure,
  - (b) the administration under section 134(1) of the Social Security Administration Act 1992<sup>(1)</sup> (arrangements for housing benefit) of housing benefit provided by virtue of a scheme under section 123(1)(d) of the Social Security Contributions and Benefits Act 1992<sup>(2)</sup> (income-related benefit),
  - (c) the administration of the national travel concession scheme provided for by the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006<sup>(3)</sup>,
  - (d) the administration of a travel concession scheme established under section 93 of the Transport Act 1985<sup>(4)</sup> (travel concession schemes),
  - (e) determining whether a person falls within the description of person prescribed for the purposes of section 21(2) of the Chronically Sick and Disabled Persons Act 1970<sup>(5)</sup> (issue of badges for display on motor vehicles to disabled persons falling within prescribed descriptions) by regulation 4(2)(ad) [<sup>F3</sup>or 4(2)(ae)] of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000<sup>(6)</sup> (descriptions of disabled persons),

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(1) 1992 c.5. Section 134 was substituted by paragraph 1(2) of schedule 12 of the Housing Act 1996 (c.52).

(2) 1992 c.4.

(3) S.S.I. 2006/107.

(4) 1985 c.67. Section 93, as it applies to Scotland, was amended by paragraph 141 of schedule 13 of the Local Government etc. (Scotland) Act 1994 (c.39), S.I. 1996/974, section 44(1) of the Local Government in Scotland Act 2003 (asp 1) and section 49(2) of the Transport (Scotland) Act 2019 (asp 17).

(5) 1970 c.44.

(6) S.S.I. 2000/59. Sub-paragraph (ad) was inserted by S.S.I. 2021/73.

- (f) determining whether to provide occasional financial or other assistance for the purpose described in section 2(1)(a) or (b) of the Welfare Funds (Scotland) Act 2015<sup>(7)</sup> (use of welfare funds: assistance for short term need and community care),
- (g) determining—
- (i) whether to make discretionary housing payments under regulation 2(1) of the Discretionary Financial Assistance Regulations 2001<sup>(8)</sup> (provision of additional financial assistance towards meeting housing costs),
  - (ii) the amount of any such payments.
- [<sup>F4</sup>(h) determining whether a person applying for or receiving a welfare service is liable to contribute towards the cost of that service and if so the amount of that contribution.]
- [<sup>F5</sup>(3A) The specified functions referred to in paragraph (1)(c) are—
- (a) the duty to promote social welfare under section 12 of the Social Work (Scotland) Act 1968 (general social welfare services of local authorities),
  - (b) the duty to children looked after by local authorities under section 17 of the Children (Scotland) Act 1995 (duty of local authority to child looked after by them),
  - (c) the duty to safeguard and promote the welfare of children who are in need under section 22 of the Children (Scotland) Act 1995 (promotion of welfare of children in need),
  - (d) the duty to make inquiries about a person’s well-being, property or financial affairs under section 4 of the Adult Support and Protection (Scotland) Act 2007 (council’s duty to make inquiries),
  - (e) the power to make an application for a child assessment order under section 35 of the Children’s Hearings (Scotland) Act 2011 (child assessment orders),
  - (f) the duty to provide information to the Principal Reporter under section 60 of the Children’s Hearings (Scotland) Act 2011 (local authority’s duty to provide information to Principal Reporter).
- (3B) The specified functions referred to in paragraph (1)(d) are—
- (a) the duty to make inquiries about a person’s property or financial affairs under section 4 of the Adult Support and Protection (Scotland) Act 2007 (council’s duty to make inquiries),
  - (b) the duty to investigate any circumstances made known to the local authority in which the personal welfare of an adult seems to them to be at risk under section 10(1)(d) of the Adults with Incapacity (Scotland) Act 2000 (functions of local authorities).
- (3C) The specified function referred to in paragraph (1)(e) is the duty to investigate circumstances where the property or financial affairs of an adult appear to be at risk under section 6(2)(d) of the Adults with Incapacity (Scotland) Act 2000 (the Public Guardian and his functions).]
- [<sup>F6</sup>(4) In this regulation “welfare service” means—
- (a) housing support services, as defined in regulation 2 of the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012 (interpretation),
  - (b) the provision of residential care, as defined in regulation 2 of the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012 (interpretation),
  - (c) the provision of domiciliary care, as defined in regulation 5(4)(d) of the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012 (supply of relevant information by the Secretary of State).]

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(7) 2015 asp 5.

(8) S.I. 2001/1167. Regulation 2(1) was amended by S.I. 2013/1139 and S.I. 2013/458.

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### Textual Amendments

- F1** Words in [reg. 4\(1\)\(a\)](#) inserted (21.3.2022) by [The Social Security Information-sharing \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/56\)](#), regs. 1(1), **3(a)**
- F2** [Reg. 4\(1\)\(c\)-\(e\)](#) inserted (16.1.2024) by [The Social Security Information-sharing \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/8\)](#), regs. 1(1), **2(a)**
- F3** Words in [reg. 4\(3\)\(e\)](#) inserted (21.3.2022) by [The Social Security Information-sharing \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/56\)](#), regs. 1(1), **3(b)**
- F4** [Reg. 4\(3\)\(h\)](#) inserted (21.3.2022) by [The Social Security Information-sharing \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/56\)](#), regs. 1(1), **3(c)**
- F5** [Reg. 4\(3A\)-\(3C\)](#) inserted (16.1.2024) by [The Social Security Information-sharing \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/8\)](#), regs. 1(1), **2(b)**
- F6** [Reg. 4\(4\)](#) inserted (21.3.2022) by [The Social Security Information-sharing \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/56\)](#), regs. 1(1), **3(d)**

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### Commencement Information

- I1** [Reg. 4](#) in force at 26.7.2021, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security Information-sharing (Scotland) Regulations 2021, Section 4.