
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 178

The Social Security Information-sharing (Scotland) Regulations 2021

[^{F1}Use of information supplied under regulation 4(1)(c)

- 4A.**—(1) This regulation applies where—
- (a) in the exercise of their social security functions, the Scottish Ministers know or believe that a person with whom they have come into contact (“person A”) is—
 - (i) at real risk of harm,
 - (ii) has needs of care and support, and
 - (iii) as a result of those needs, is unable to protect themselves against that risk, and
 - (b) the Scottish Ministers consider the supply of information is necessary to protect person A from harm.
- (2) The information is to be supplied only with the explicit consent of person A unless paragraph (3) applies.
- (3) This paragraph applies where—
- (a) in the circumstances, person A’s consent cannot be given,
 - (b) in the circumstances, the Scottish Ministers cannot reasonably be expected to obtain the consent of person A, or
 - (c) in the circumstances, the Scottish Ministers consider obtaining consent of person A would prejudice the protection mentioned in paragraph (1)(b).
- (4) In this regulation—
- (a) in paragraph (1)(a)(i)—
 - (i) “real risk of harm” means being subjected to conduct causing or likely to cause a person to suffer significant—
 - (aa) neglect, or
 - (bb) physical, mental or emotional harm,and includes engaging in, or being likely to engage in, conduct which causes or is likely to cause self-harm, and
 - (ii) “conduct” includes failures to act,
 - (b) in paragraph (1)(b) and in the definition of “real risk of harm”, “harm” means neglect or physical, mental or emotional harm, and
 - (c) “person” means a natural person of any age.]

F1 Regs. 4A-4C inserted (16.1.2024) by [The Social Security Information-sharing \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/8\)](#), regs. 1(1), 3

Changes to legislation:

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