

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 178

The Social Security Information-sharing (Scotland) Regulations 2021

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

4B.—(1) This regulation applies where—

- (a) in the exercise of their social security functions, the Scottish Ministers know or believe that—
 - (i) the property or financial affairs of a person with whom they have come into contact (“person B”) are at risk,
 - (ii) person B has needs of care and support, and
 - (iii) as a result of those needs, person B is unable to protect themselves against that risk, and
- (b) the Scottish Ministers consider the supply of information is necessary to—
 - (i) safeguard the property or financial affairs of person B, and
 - (ii) protect person B from harm.

(2) The information is to be supplied only with the explicit consent of person B unless paragraph (3) applies.

(3) This paragraph applies where—

- (a) in the circumstances, person B’s consent cannot be given,
- (b) in the circumstances, the Scottish Ministers cannot reasonably be expected to obtain the consent of person B, or
- (c) in the circumstances, the Scottish Ministers consider obtaining consent of person B would prejudice the matters mentioned in paragraph (1)(b).

(4) In this regulation, “harm” means mental or emotional harm.]

Textual Amendments

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 4B.