
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2024 No.

**The Social Security Information-sharing
(Scotland) Amendment Regulations 2024**

Amendment of the 2021 Regulations

2. In regulation 4 of the 2021 Regulations (use of information supplied by the Scottish Ministers)

(a) after paragraph (1)(b), insert—

“(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),”

(b) after paragraph (3), insert—

“(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(1) (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(2) (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(3) (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(4) (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(5) (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).

(1) 1968 c. 49. Section 12 was amended by paragraph 15 of schedule 4 of the Children (Scotland) Act 1995 (c. 36), section 66(1) and paragraph 10(5) of schedule 9 of the National Health Service and Community Care Act 1990 (c. 19), section 120(1) of the Immigration and Asylum Act 1999 (c. 33) and section 3 of the Community Care and Health (Scotland) Act 2002 (asp 5).

(2) 1995 c. 36. Section 17 was amended by paragraph 9(4)(b) of schedule 2 of the Adoption and Children (Scotland) Act 2007 (asp 4), paragraph 2 of schedule 5 of the Children’s Hearings (Scotland) Act 2011 (asp 1), section 13 of the Children (Scotland) Act 2020 (asp 16) and paragraph 9(3) of schedule 1 of S.S.I. 2013/211.

(3) Section 22 was amended by para 6(j) of schedule 1 of the Tax Credits Act 1999 (c. 10), paragraph 50 of schedule 3 of the Tax Credits Act 2002 (c. 21), paragraph 14 of schedule 3 of the Welfare Reform Act 2007 (c. 5) and regulation 5 of S.S.I. 2013/137.

(4) 2007 asp 10.

(5) 2011 asp 1. Section 35 was modified by paragraph 2(2)(b) of schedule 3 of the Coronavirus (Scotland) Act 2020 (asp 7) which has been repealed by regulation 2(a) of S.S.I. 2021/93 on March 30, 2021.

- (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⁽⁶⁾ (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⁽⁷⁾ (the Public Guardian and his functions).”.

⁽⁶⁾ [2000 asp 4](#).

⁽⁷⁾ Section 6 was amended by section 67 and paragraph 5(a) of the Adult Support and Protection (Scotland) Act 2007 and paragraph 4(2) of schedule 1(1) of [S.S.I. 2015/157](#).