

*Status: Point in time view as at 10/12/2018. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: Social Security (Scotland) Act 2018, SCHEDULE 4 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/09/2020

## SCHEDULE 4

*(introduced by section 30)*

### WINTER HEATING ASSISTANCE REGULATIONS

#### PART 1

#### ELIGIBILITY

##### *Residence and presence*

- 1 The regulations may make an individual's eligibility depend on the individual being resident and present in a particular place.

##### *Age*

- 2 The regulations may make an individual's eligibility depend on the age of either or both—
- (a) the individual, and
  - (b) anyone who lives with the individual.

##### *Financial circumstances*

- 3 Subject to paragraph 4, the regulations may not make an individual's eligibility depend on the financial circumstances of either or both—
- (a) the individual, and
  - (b) anyone who lives with the individual.

##### *Receipt of, or eligibility for, other types of State assistance*

- 4 The regulations may make an individual's eligibility depend on either or both the individual and anyone who lives with the individual—
- (a) being, or not being, in receipt of another type of assistance (whether under this Act or another enactment),
  - (b) being, or not being, eligible or entitled to receive such assistance.

##### *Application within specified period*

- 5 The regulations may provide that an individual ceases to be eligible in respect of a given period unless, by a deadline specified in the regulations—
- (a) the individual has applied for winter heating assistance in respect of the period, or
  - (b) the Scottish Ministers have become required to make a determination of the individual's entitlement to winter heating assistance in respect of the period by regulations under section 52.

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## PART 2

### ASSISTANCE TO BE GIVEN

#### *Domestic circumstances and age*

- 6 The regulations may make the value of the winter heating assistance that is to be given to an individual depend on—
- (a) whether or not other people live with the individual,
  - (b) the age of either or both—
    - (i) the individual, and
    - (ii) anyone who lives with the individual.

#### *Financial circumstances*

- 7 Subject to paragraph 8, the regulations may not make the value of the winter heating assistance that is to be given to an individual depend on the financial circumstances of either or both—
- (a) the individual, and
  - (b) anyone who lives with the individual.

#### *Receipt of, or eligibility for, other types of State assistance*

- 8 The regulations may make the value of assistance depend on either or both the individual and anyone who lives with the individual—
- (a) being, or not being, in receipt of another type of assistance (whether under this Act or another enactment),
  - (b) being, or not being, eligible to receive such assistance.

#### *Restriction on giving assistance in a form other than money*

- 9 (1) The regulations may allow winter heating assistance to be given to an individual in a form other than money only if the individual (or a person acting on the individual's behalf) has agreed to the assistance being given in that form.
- (2) If the regulations include provision of the kind mentioned in sub-paragraph (1), they must allow an individual (or a person acting on the individual's behalf) to withdraw agreement to being given winter heating assistance in a form other than money at any time.

## PART 3

### FINAL PROVISIONS

#### *Generality of enabling power unaffected*

- 10 Nothing in this schedule, apart from the following provisions, is to be taken to limit what may be prescribed in the regulations—
- (a) paragraph 3 in Part 1,
  - (b) paragraphs 7 and 9 in Part 2.

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#### *Interpretation*

- 11 In this schedule—
- “eligibility” means eligibility for winter heating assistance and “eligible” means eligible for winter heating assistance,
  - “the regulations” means regulations under section 30(2).

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