

*Status: Point in time view as at 10/12/2018.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 8 is up to date with all changes known to be in force on or before 02 July 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 11/09/2019

## SCHEDULE 8

*(introduced by section 34)*

### FUNERAL EXPENSE ASSISTANCE REGULATIONS

#### PART 1

#### ELIGIBILITY

##### CHAPTER 1

##### ELIGIBILITY IS TO DEPEND ON BEING RESPONSIBLE FOR FUNERAL EXPENSES

- 1 (1) The regulations must be framed so that an individual's eligibility for funeral expense assistance depends on the individual having met, or being responsible for meeting, the expenses of a funeral.
- (2) The regulations are to define “funeral” for the purpose of determining entitlement to funeral expense assistance.

##### CHAPTER 2

##### FURTHER CRITERIA

###### *Location of the funeral*

- 2 The regulations may make an individual's eligibility depend on where the funeral takes place.

###### *Relationship with the deceased*

- 3 The regulations may make an individual's eligibility depend on the individual—
- (a) being related to the deceased person, or
  - (b) having a relationship of a kind described in the regulations with the deceased person immediately before the death.

###### *Value of deceased's estate*

- 4 The regulations may make an individual's eligibility depend on the value of the deceased person's estate being below a level specified in the regulations.

###### *Residence and presence*

- 5 The regulations may make an individual's eligibility depend on either or both—
- (a) the individual being resident and present in a particular place,

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- (b) the deceased person having been resident and present in a particular place at the date of death.

*Financial circumstances*

- 6 The regulations may make an individual's eligibility depend on the individual's financial circumstances.

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

- 7 The regulations may make an individual's eligibility depend on either or both the individual and, immediately before dying, the deceased person—
- (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*

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

**PART 2**

**ASSISTANCE TO BE GIVEN**

- 9 The regulations may specify items of expense in relation to which funeral expense assistance will, or will not, be given.
- 10 The regulations may set a limit on the value of the funeral expense assistance that will be given in relation to items of expense.
- 11 The regulations may set a limit on the total value of the funeral expense assistance that will be given.
- 12 The regulations may provide for the amount of funeral expense assistance that will be given to be reduced to reflect the availability of other funds that may be used to meet, or help to meet, any of the expenses.

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

- 13 (1) The regulations may allow funeral expense 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 funeral expense assistance in a form other than money at any time.

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### PART 3

#### FINAL PROVISIONS

##### *Generality of enabling power unaffected*

- 14 Nothing in this schedule, apart from the following provisions, is to be taken to limit what may be prescribed in the regulations—
- (a) Chapter 1 of Part 1,
  - (b) paragraph 13 in Part 2.

##### *Interpretation*

- 15 In this schedule—
- “deceased person” means the person in respect of whose funeral assistance is sought,
  - “eligibility” means eligibility for funeral expense assistance and “eligible” means eligible for funeral expense assistance,
  - “the regulations” means regulations under section 34(2).

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