

*Status: Point in time view as at 10/12/2018.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

*Changes to legislation: Social Security (Scotland) Act 2018, CHAPTER 2 is up to date with all changes known to be in force on or before 24 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 11/09/2019

## SCHEDULE 8 FUNERAL EXPENSE ASSISTANCE REGULATIONS

### PART 1

#### ELIGIBILITY

#### 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,
  - (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—

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- (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.

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