
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019 ([S.S.I. 2019/324](#)) ("the Young Carer Grants Regulations") and the Funeral Expense Assistance (Scotland) Regulations 2019 ([S.S.I. 2019/292](#)) ("the Funeral Expense Assistance Regulations").

The Regulations fulfil the duty on the Scottish Ministers to bring forward legislation under section 78(1) of the Social Security (Scotland) Act 2018 ([asp 9](#)) ("the Act") to increase the amount of social security assistance (that is payable each year under Chapter 2 of the Act) to an amount which is at least as high as if the existing amounts were adjusted in line with price inflation.

Regulation 2 increases the amount of the Young Carer Grant so that it is in line with price inflation.

There are three amounts of funeral expense assistance payable under the Funeral Expense Assistance Regulations. Regulation 5(3)(b) and (3)(c)(i) increases in line with price inflation the amount of assistance which are payable towards funeral costs if the deceased has left in place a pre-paid funeral plan and towards a fee for removing an active implantable medical device from the deceased. Regulation 5(3)(a) increases the flat-rate amount of assistance that is available towards funeral costs (where the deceased has not left in place a pre-paid funeral plan) to an amount which is higher than if the amount was adjusted in line with price inflation.

The Regulations also make more substantive amendments to the Young Carer Grants Regulations and the Funeral Expense Assistance Regulations.

Regulation 3(2) removes the exclusion from entitlement to a young carer grant for young people subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 ([c.33](#)).

Regulation 5(2) amends regulation 11(3) (estate of deceased person) to provide that when determining whether a person ("the applicant") is eligible for funeral expense assistance because the assets of the deceased person are insufficient or unavailable to meet the costs of the funeral, the Scottish Ministers can regard lump sums due under a funeral plan as among the deceased person's assets.

Regulation 5(3)(c)(ii) amends regulation 13(6)(a) to provide that entitlement to a payment via a pre-paid funeral plan is the only circumstance which reduces the sum payable as a flat rate contribution towards funeral costs. Regulation 5(3)(c)(ii) also narrows the circumstances in which the reduction applies: the reduction only applies where a payment from a pre-paid funeral plan contributes towards meeting the costs of a funeral, and not where such a contribution is made via an insurance policy, occupational pension scheme or burial club.

Regulation 5(4) ensures that any funds or contributions that are available towards meeting the expense of the funeral from a pre-paid funeral plan are not deducted from the amount of funeral expense assistance for which a person is eligible.

Regulations 4 and 6 make saving and transitional provision so that individuals who make an application for a young carer grant or funeral expense assistance before 1 April 2020 receive the amount of assistance that was payable immediately before the rates of assistance were increased.

Business and Regulatory Impact Assessments were prepared in respect of the Young Carer Grants and Funeral Expense Assistance Regulations. These Regulations do not alter the outcome of those

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Funeral Expense Assistance and Young Carer Grants (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2020 No. 99*

assessments. Accordingly no new Business and Regulatory Impact Assessments have been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.