

SCOTTISH STATUTORY INSTRUMENTS

2019 No. 292

The Funeral Expense Assistance (Scotland) Regulations 2019

PART 4

Eligibility

Residence conditions, place of funeral and status

9.—(1) To qualify for funeral expense assistance, the applicant must be ordinarily resident in Scotland at the date of their application for that assistance.

(2) The applicant is not entitled to that assistance unless—

- (a) the deceased person was ordinarily resident in the United Kingdom at the date of his or her death, and
- (b) the place of the funeral is in the United Kingdom, or in a case where paragraph (3) applies, in a member state of the EU, Iceland, Liechtenstein, Norway or Switzerland.

[^{F1}(3) This paragraph applies where the applicant is, or has a partner who is—

- (a) a qualified person within the meaning of regulation 6(1)(b) (worker) or (c) (self-employed person) of the Immigration (European Economic Area) Regulations 2016 (the EEA Regulations);
- (b) a person who retains the status referred to in sub-paragraph (a) pursuant to regulation 6(2) or (4) of the EEA Regulations;
- (c) a person who is a family member of a person referred to in sub-paragraph (a) or (b) within the meaning of regulation 7(1) of the EEA Regulations;
- (d) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations; or
- (e) a person granted indefinite or limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act.]

^{F2}(4)

(5) A person is not entitled to funeral expense assistance if, at the time the application is made, the person is subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 ^{M1}, unless the person falls within a category or description of persons specified in Part 2 of the schedule of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (persons not excluded under section 115 of that Act from entitlement to various social security benefits) ^{M2}.

(6) Paragraph (2)(a) does not apply in respect of the funeral of a still-born child.

Changes to legislation: There are currently no known outstanding effects for the *The Funeral Expense Assistance (Scotland) Regulations 2019, Section 9*. (See end of Document for details)

Textual Amendments

- F1** Reg. 9(3) substituted (31.12.2020) by [The Social Security Co-ordination \(EU Exit\) \(Scotland\) \(Amendments etc.\) Regulations 2020 \(S.S.I. 2020/399\)](#), regs. 1, **5(2)**
- F2** Reg. 9(4) omitted (1.4.2021) by virtue of [The Social Security \(Up-rating\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/170\)](#), regs. 1(1), **4(2)**
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Commencement Information

- I1** Reg. 9 in force at 16.9.2019, see [reg. 1](#)
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Marginal Citations

- M1** [1999 c.33](#). There are amendments to section 115 that are not relevant to these Regulations.
- M2** [S.I. 2000/636](#).

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