
Status: This is the original version (as it was originally enacted).

SCHEDULE 10

(introduced by section 36)

SHORT-TERM ASSISTANCE REGULATIONS

PART 1

ELIGIBILITY

Entitlement to other assistance being reviewed

- 1 (1) The regulations must be framed so that an individual is eligible for short-term assistance if—
- (a) the individual is, or was, entitled to a particular type of assistance (other than short-term assistance) under a determination made on the basis that the individual has ongoing entitlement,
 - (b) that determination has been superseded by a determination under section 37 with the result that the individual—
 - (i) is no longer entitled to the type of assistance in question, or
 - (ii) is entitled to less assistance of the type in question,
 - (c) the individual's entitlement to the type of assistance in question is under review, and
 - (d) any further eligibility rules prescribed in the regulations are satisfied in the individual's case.
- (2) An individual's entitlement to a particular type of assistance is under review within the meaning of sub-paragraph (1)(c) if—
- (a) the individual has, under section 41, requested a re-determination of the individual's entitlement to the type of assistance in question and—
 - (i) the Scottish Ministers have yet to make a determination of the individual's entitlement under section 43, and
 - (ii) the individual has not, since requesting the re-determination, made an appeal to the First-tier Tribunal against a determination of the individual's entitlement, or
 - (b) the individual has, under section 46, appealed to the First-tier Tribunal against a determination of the individual's entitlement to the type of assistance in question and the First-tier Tribunal has yet to make a decision under section 49, or
 - (c) the First-tier Tribunal is considering, under section 48(1)(b), whether to give permission for the individual to bring an appeal against a determination of the individual's entitlement to the type of assistance in question.

PART 2

ASSISTANCE TO BE GIVEN

Value and form of assistance where entitlement to other assistance under review

- 2 (1) This paragraph applies to any case in which an individual is eligible for short-term assistance by virtue of provision made in accordance with paragraph 1(1).

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- (2) In this paragraph, “the superseded determination” means the determination that has been superseded with one of the results mentioned in paragraph 1(1)(b), as a consequence of which the individual in question is eligible for short-term assistance.
- (3) In relation to a case to which this paragraph applies, the regulations must provide for the value of the short-term assistance given to an individual in respect of any period to be equal to—

$$V1 - V2$$

where—

V1 is the value of the assistance that the individual would have been given in respect of the period under the superseded determination had it not been superseded, and

V2 is the value of the assistance that the individual is to be given in respect of the period under what is, at the time the individual becomes eligible for short-term assistance in respect of the period, the most recent determination of the individual’s entitlement to the type of assistance to which the superseded determination relates.

- (4) In relation to a case to which this paragraph applies, the regulations must provide for the rules regarding the form in which short-term assistance is given to an individual to be the same as the rules governing the form in which the type of assistance to which the superseded determination relates may be given.

PART 3

FINAL PROVISIONS

Generality of enabling power unaffected

- 3 Nothing in this schedule is to be taken to preclude the regulations from providing for an individual to be eligible for short-term assistance in circumstances other than those described in paragraph 1.

Interpretation

- 4 In this schedule, “the regulations” means regulations under section 36(2).