

SCHEDULE 10 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 - (b) that determination has been superseded by a determination under section 37 with the result that the individual—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.