

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Social Security (Scotland) Act 2018, SCHEDULE 3 is up to date with all changes known to be in force on or before 05 January 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) View outstanding changes

PROSPECTIVE

SCHEDULE 3

(introduced by section 29)

COLD-SPELL HEATING ASSISTANCE REGULATIONS

PART 1

ELIGIBILITY

CHAPTER 1

ELIGIBILITY IS TO DEPEND ON LIVING IN AN AREA DURING A COLD SPELL

- 1 The regulations must be framed so that (subject to any provision of the kind described in paragraph 2) an individual's eligibility in respect of a given period depends on the area in which the individual's home is situated experiencing a cold spell during that period.
- 2
 - (1) The regulations may be framed so that, despite the criterion described in paragraph 1 not being fulfilled (or its being uncertain whether it will be fulfilled) in relation to a given period, an individual may nevertheless be eligible in respect of that period.
 - (2) Where the regulations allow an individual to be eligible in respect of a period in relation to which the criterion described in paragraph 1 is not fulfilled (or may not be fulfilled), they must be framed so that the individual's eligibility depends on the area in which the individual's home is situated being, or having been, forecast to experience a cold spell during the period.
- 3 The regulations are to set out, for the purpose of determining entitlement to cold-spell heating assistance—
 - (a) a definition of “home”,
 - (b) the circumstances in which an area is to be regarded as experiencing a cold spell,
 - (c) if provision of the kind described in paragraph 2 is made, the circumstances in which an area is to be regarded as being, or having been, forecast to experience a cold spell.

CHAPTER 2

FURTHER CRITERIA

Age

- 4 The regulations may make an individual's eligibility depend on the age of either or both—
 - (a) the individual, and

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- (b) anyone else who lives in the individual's home.

Financial circumstances

- 5 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

- 6 The regulations may make an individual's eligibility depend on either or both the individual and anyone else who lives in the individual's home—
- (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

- 7 The regulations may provide that an individual ceases to be eligible in respect of a given period unless, by a deadline specified in the regulations—
- (a) the individual has applied for cold-spell heating assistance in respect of the period, or
- (b) the Scottish Ministers have become required to make a determination of the individual's entitlement to cold-spell heating assistance in respect of the period by regulations under section 52.

PART 2

ASSISTANCE TO BE GIVEN

Domestic circumstances and age

- 8 The regulations may make the value of the cold-spell heating assistance that is to be given to an individual depend on—
- (a) whether or not other people live in the individual's home,
- (b) the age of either or both—
- (i) the individual, and
- (ii) anyone else who lives in the individual's home.

Restriction on giving assistance in a form other than money

- 9 (1) The regulations may allow cold-spell heating assistance to be given to an individual in a form other than money only if the individual (or a person acting on the individual's behalf) has agreed to the assistance being given in that form.
- (2) If the regulations include provision of the kind mentioned in sub-paragraph (1), they must allow an individual (or a person acting on the individual's behalf) to withdraw agreement to being given cold-spell heating assistance in a form other than money at any time.

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PART 3

FINAL PROVISIONS

Generality of enabling power unaffected

- 10 Nothing in this schedule, apart from the following provisions, is to be taken to limit what may be prescribed in the regulations—
- (a) Chapter 1 of Part 1,
 - (b) paragraph 9 in Part 2.

Interpretation

- 11 In this schedule—
- “eligibility” means eligibility for cold-spell heating assistance and “eligible” means eligible for cold-spell heating assistance,
 - “the regulations” means regulations under section 29(2).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81(4C) inserted by [2021 asp 20 s. 2\(a\)](#)
- s. 85D inserted by [2020 asp 18 s. 2\(6\)](#)