
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

The Funeral Expense Assistance (Scotland) Regulations 2019

PART 5

Assistance to be given

Calculation and form of funeral expense assistance

12.—(1) The funeral expense assistance to be given is an amount calculated in accordance with regulation 13, less any applicable deductions provided for by regulation 14.

(2) Funeral expense assistance is to be given as money (subject to paragraph (3)).

(3) If—

(a) the Scottish Ministers offer to give an individual some or all of the value of funeral assistance in a form other than money, and

(b) the individual accepts the offer,

the assistance is to be given in the form offered.

Amount of funeral expense assistance

13.—(1) The amount of funeral expense assistance is—

(a) an amount calculated by reference to the costs which the person assisted incurs in arranging the funeral, so far as reasonable and of the types described in paragraphs (2) to (4),

(b) a payment of £700, except where paragraph (6) applies, and

(c) transport costs, so far as reasonable and of the types described in paragraph (7).

(2) The types of funeral costs for which assistance is given are the costs of—

(a) burial (see paragraph (3)) or cremation (see paragraph (4)),

(b) if required, any medical references and certificates from a registered medical practitioner, and

(c) obtaining any documents to release assets of the deceased person for the purposes of regulation 14 (deductions from an award).

(3) For a burial, the costs are—

(a) the cost of a new burial plot with a right of burial in it,

(b) fees levied by the local authority or person responsible for the operation of burials in the area where the burial takes place,

(c) the cost of grave-digging.

(4) For a cremation, the costs are—

(a) fees levied by the local authority or person responsible for the operation of crematoriums in the area where the cremation takes place,

- (b) the fee for removal of any active implantable medical device, within the meaning of the Medical Devices Regulations 2002(1), subject to a limit of £20 where the removal is not carried out by a registered medical practitioner.
- (5) Where a deceased person is not buried or cremated in the area in which they were ordinarily resident, and the costs of their burial or cremation (including transport costs) exceed those that would have applied had the burial or, as the case may be, cremation taken place in that area, no assistance is to be given for those additional costs.
- (6) The payment in paragraph (1)(b) is £120 where the deceased person—
 - (a) has left provision of the type described in regulation 11(3), and
 - (b) was aged 18 or over on the day of his or her death.
- (7) The types of transport costs for which assistance is given are the costs of—
 - (a) transport within the United Kingdom from the place where the body is situated to a funeral director's premises, to the deceased person's last residence, or to another place where it is appropriate for the body to lie prior to the funeral, plus a return journey, but not including the first 80 kilometres of travel,
 - (b) subject to paragraph (8), vehicular transport for the coffin and bearers, and one additional vehicle, from the funeral director's premises or place where the body is lying to the funeral, plus a return journey, but not including the first 80 kilometres of travel,
 - (c) one return journey by the person assisted either for the purpose of making arrangements for the funeral or for attendance at the funeral, but not exceeding the cost of a return journey from the person's home to the place of burial or cremation.
- (8) Where assistance is given under paragraph (2)(a) for the costs of a burial or cremation, no assistance is to be given for transport costs under paragraph (7)(b) unless—
 - (a) the distance travelled necessarily exceeds 80 kilometres, or
 - (b) in the case of a burial, where no costs have been incurred for purchase of a burial plot, the distance travelled exceeds 80 kilometres.

Deductions from an award of funeral expense assistance

14.—(1) There is to be deducted from the amount of funeral expense assistance calculated in accordance with regulation 13 any funds or contributions which are available towards meeting the expense of the funeral from—

- (a) any assets of the deceased person which are available without confirmation having been granted, or (elsewhere in the United Kingdom) without probate or letters of administration, but ignoring any assets described in paragraph (3),
 - (b) any pre-paid funeral plan, insurance policy, burial club, occupational pension scheme, or any similar scheme or arrangement, unless the Scottish Ministers have made a contribution into that plan, policy, club, scheme or arrangement,
 - (c) a funeral grant, made out of public funds, in respect of the deceased person having been entitled to a war disablement pension within the meaning of section 17 of the State Pension Credit Act 2002.
- (2) No deduction is to be made under paragraph (1) if the deceased person was under the age of 18 on the day of his or her death.
- (3) For the purposes of paragraph (1)(a), the following sums payable to the estate of the deceased person are to be ignored—

- (a) arrears of any benefit under any enactment relating to social security in any part of the United Kingdom,
- (b) arrears of any assistance provided for by regulations under Parts 2 or 3 of the Social Security (Scotland) Act 2018, or under section 81 (carer's allowance supplement) of that Act.