
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

The Funeral Expense Assistance (Scotland) Regulations 2019

PART 5

Assistance to be given

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.