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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2016 No.**

**The Welfare Funds (Scotland) Regulations 2016**

**Income and capital**

**5.—**(1) A local authority is not to provide assistance from its welfare fund to or in respect of a person who appears to the authority not to require that assistance by virtue of—

- (a) income being received by that person; or
- (b) capital held by that person.

(2) A local authority is not to consider a person ineligible for assistance by virtue of paragraph (1) (a) if that person is entitled to—

- (a) an income-based jobseeker's allowance (payable under the Jobseekers Act 1995<sup>(1)</sup>);
- (b) income support under the Social Security Contributions and Benefits Act 1992<sup>(2)</sup>;
- (c) income-related employment and support allowance under Part 1 of the Welfare Reform Act 2007<sup>(3)</sup>;
- (d) universal credit under Part 1 of the Welfare Reform Act 2012<sup>(4)</sup>; or
- (e) state pension credit payable under the State Pension Credit Act 2002<sup>(5)</sup>.

(3) In deciding whether a person is ineligible for assistance by virtue of paragraph (1), a local authority is to have regard to any guidance about the assessment of income and capital issued by the Scottish Ministers under section 6 of the Act.

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(1) 1995 c.18.  
(2) 1992 c.4.  
(3) 2007 c.5.  
(4) 2012 c.5.  
(5) 2002 c.16.