

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for payments to be made to help eligible persons to meet funeral expenses. They are made under the Social Security (Scotland) Act 2018.

Regulation 3 provides that applications are required, except as set out in regulation 4.

Regulation 5 describes the period within which applications can be made.

Regulation 6 provides for re-determination requests, where a person wishes a determination of their entitlement to be looked at again. It sets out the timescales for dealing with such requests.

Part 4 sets out eligibility rules. These rules are based on the closeness of the relationship the applicant had with the deceased person, whether anyone else is seeking assistance and conditions relating to the place of the funeral and whether the applicant or the applicant's partner is in receipt of a qualifying benefit on a date (as described in regulation 10). Regulation 11 provides that no assistance will be provided if the deceased person left assets that are available to cover the cost of the funeral, unless the person was under 18 years old when he or she died.

Part 5 sets out how the amount of funeral expense assistance is to be calculated. It describes deductions that can be made from an award of assistance and sets out circumstances in which no such deduction is to be made.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government Social Security Directorate, and online at www.legislation.gov.uk.