
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

The Funeral Expense Assistance (Scotland) Regulations 2019

PART 4

Eligibility

Qualifying benefits

10.—(1) To qualify for funeral expense assistance the applicant, or the partner of the applicant, must have been properly awarded in respect of the relevant day—

- (a) income support under section 124 of the Social Security Contributions and Benefits Act 1992⁽¹⁾,
- (b) state pension credit within the meaning given by section 1(1) of the State Pension Credit Act 2002⁽²⁾,
- (c) income-based jobseeker’s allowance within the meaning of the Jobseekers Act 1995⁽³⁾,
- (d) working tax credit where the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002⁽⁴⁾ is included in the award,
- (e) child tax credit within the meaning of the Tax Credits Act 2002⁽⁵⁾,
- (f) housing benefit within the meaning of section 123 of the Social Security Contributions and Benefits Act 1992,
- (g) income-related employment and support allowance under Part 1 of the Welfare Reform Act 2007⁽⁶⁾, or
- (h) universal credit under Part 1 of the Welfare Reform Act 2012⁽⁷⁾.

(2) An applicant, or the partner of the applicant, is not to be regarded as having been properly awarded assistance if—

- (a) the award for the relevant day was made in error (whether or not induced by the individual),
- (b) the award for the relevant day or the period that includes the relevant day is £0.

(3) In this paragraph “the relevant day” is—

- (a) the day the application is received by the Scottish Ministers, or
- (b) if applicable, the day nominated by the Scottish Ministers under regulation 5(5).

(4) For the purpose of paragraph (1)(h), the applicant, or the partner of the applicant, is awarded universal credit in respect of the relevant day if—

(1) 1992 c.4.
(2) 2002 c.16.
(3) 1995 c.18.
(4) S.I. 2002/2005.
(5) 2002 c.21.
(6) 2007 c.5.
(7) 2012 c.5.

- (a) the assessment period for their award includes the relevant day, or
 - (b) they had an award of universal credit for the assessment period that ended immediately before the start of the assessment period mentioned in sub-paragraph (a).
- (5) In calculating the sum awarded for the purpose of paragraph (2)(b) where a deduction has been made from the award in respect of any liability to another person or by way of a sanction, the sum awarded is the sum that would have been awarded had the deduction not been made.