

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2019 No.**

**The Funeral Expense Assistance (Scotland) Regulations 2019**

**PART 5**

Assistance to be given

**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.