
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

The Funeral Expense Assistance (Scotland) Regulations 2019

PART 3

Procedural matters

Applications

3.—(1) A person who applies for funeral expense assistance is entitled to receive it if that person—

- (a) applies within the period described in regulation 5, and
- (b) meets the eligibility conditions prescribed in these Regulations.

(2) Regulation 4 sets out circumstances in which the Scottish Ministers are to determine an individual's entitlement to funeral expense assistance without receiving an application.

(3) Regulations 7 and 8 describe eligibility conditions relating to the applicant's relationship to the deceased person and multiple applications.

(4) Regulation 9 describes eligibility conditions relating to the applicant's residence, the last residence of the deceased person and the place where the funeral takes place.

(5) Regulations 10 and 11 describe eligibility conditions relating to the financial means of the applicant, based on receipt of income related benefits, and of the estate of the deceased person.

(6) An application is to be treated as made—

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

(7) For the avoidance of doubt, a thing that purports to be an application is not an application unless it is—

- (a) made to the Scottish Ministers in the form, and
- (b) accompanied by the evidence,

required by the Scottish Ministers under section 38(1) of the Social Security (Scotland) Act 2018.