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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2019 No.**

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

**PART 3**

Procedural matters

**Period for applications**

5.—(1) A person is not entitled to funeral expense assistance unless an application for that assistance is made within a period starting when the person whose funeral is being arranged dies and ending as calculated in paragraphs (3) and (4) (“the period for applications”).

(2) No application for funeral expense assistance may be made while the person whose funeral is being arranged is alive.

(3) No application for funeral expense assistance may be made after the day falling six months after the day on which the funeral takes place, unless paragraph (5) applies.

(4) In calculating the end of the period for applications where the day of the month on which the funeral takes place is the 29th, 30th or 31st, and the month falling six months after that month does not have such a date, the period ends on the last day of the later month.

(5) The Scottish Ministers may nominate the date on which an application will be treated as made for the purposes of regulation 3(6)(b) if—

- (a) the award of assistance described in regulation 10(1) that the applicant is relying on to meet that eligibility condition is a backdated award,
  - (b) the backdated award is an award of assistance for—
    - (i) a day that falls within the period for applications, or
    - (ii) a period that includes at least 1 day that falls within the period for applications, and
  - (c) the application is received by the Scottish Ministers—
    - (i) not more than 20 working days after the last day of the period for applications, and
    - (ii) within 3 months of the applicant being informed of the backdated award by or on behalf of the public authority who made it.
- (6) The date nominated by the Scottish Ministers under paragraph (5)—
- (a) must be a day for which the backdated award is made, and
  - (b) must not be a day that falls outside the period for applications.