
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

The Winter Heating Assistance (Low Income) (Scotland) Regulations 2023

Periods for re-determination requests

8.—(1) The period for requesting a re-determination of entitlement to winter heating payment under section 41 (right to request a re-determination) of the 2018 Act is 31 days beginning with the day that the individual is informed, in accordance with section 40 (notice of determination) of that Act, of the right to make the request.

(2) In relation to determining entitlement to winter heating payment, the period allowed for re-determination (within the meaning of section 43 (duty to re-determine) of that Act) is 16 working days beginning with—

- (a) the day that the request for a re-determination is received by Scottish Ministers,
 - (b) where the request for a re-determination is received by the Scottish Ministers later than the period prescribed by paragraph (1), the day on which the Scottish Ministers, or, on appeal, the First-tier Tribunal for Scotland, decide that the individual in question has a good reason for not requesting the re-determination sooner, or
 - (c) in a case where the Scottish Ministers have informed the individual of their decision that the request for a re-determination was not made in such form as the Scottish Ministers require, the day on which it is subsequently decided by the First-tier Tribunal for Scotland that the individual in question has made the request in such form as the Scottish Ministers require.
- (3) For the purpose of paragraph (2), a “working day” is a day other than—
- (a) a Saturday,
 - (b) a Sunday, or
 - (c) a bank holiday in Scotland under the Banking and Financial Dealings Act 1971⁽¹⁾.