
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 86

**The Adults with Incapacity (Public
Guardian's Fees) (Scotland) Regulations 2018**

Exemption of certain persons from fees: social security

- 4.—(1) A fee prescribed by these Regulations is not payable by a person if—
- (a) the person or the person's partner is in receipt of income support under the Social Security Contributions and Benefits Act 1992(1);
 - (b) the person is in receipt of an income-based jobseeker's allowance under the Jobseekers Act 1995(2);
 - (c) the person or the person's partner is in receipt of guarantee credit under the State Pension Credit Act 2002(3);
 - (d) the person or the person's partner is in receipt of working tax credit, provided that—
 - (i) child tax credit is being paid to the party, or otherwise following a claim for child tax credit made jointly by the members of a couple (as defined in section 3(5A) of the Tax Credits Act 2002(4)) which includes the party; or
 - (ii) there is a disability element or severe disability element (or both) to the tax credit received by the party;and that the gross annual income taken into account for the calculation of the working tax credit is £18,000 or less;
 - (e) the person or the person's partner is in receipt of income-related employment and support allowance under the Welfare Reform Act 2007(5);
 - (f) the person is in receipt of universal credit under Part 1 of the Welfare Reform Act 2012(6); or
 - (g) the person or the person's partner has, within the period of 3 months prior to the date the prescribed fee would be payable but for this exemption, received financial or other assistance under the Welfare Funds (Scotland) Act 2015(7).

(2) In this regulation, "partner" means a person to whom a person is married or with whom the person is in a civil partnership.

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- (1) 1992 c.4. Section 124, which provides for income support, was amended by the Jobseekers Act 1995 (c.18), section 41 and schedules 2 and 3; the Welfare Reform and Pensions Act 1999 (c.30), section 70 and schedule 8, Part IV, paragraph 28; the State Pension Credit Act 2002 (c.16), schedules 2 and 3; the Civil Partnership Act 2004 (c.33), schedule 24; the Welfare Reform Act 2007 (c.5), schedules 3 and 8; the Welfare Reform Act 2009 (c.24), section 3; and the Welfare Reform Act 2012 (c.5), schedule 14.
- (2) 1995 c.18.
- (3) 2002 c.16.
- (4) 2002 c.21. Section 3(5A) was substituted for section 3(5) to (6) by the Civil Partnership Act 2004, schedule 24, paragraph 144(3).
- (5) 2007 c.5.
- (6) 2012 c.5.
- (7) 2015 asp 5.

Status: *This is the original version (as it was originally made).*
