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STATUTORY INSTRUMENTS

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**2019 No. 1060**

**The Social Security (Scotland) Act 2018 (Funeral  
Expense Assistance and Early Years Assistance)  
(Consequential Modifications and Savings) Order 2019**

**PART 3**

Disregards in relation to Funeral Expense Assistance (England and Wales and Northern Ireland) and Early Years Assistance (Universal Credit in Northern Ireland)

**Amendment of the Income Support (General) Regulations 1987**

7.—(1) The Income Support (General) Regulations 1987<sup>(1)</sup> are amended as follows.

(2) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), after paragraph 82 insert—

“**83.** Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

(3) In Schedule 10 (capital to be disregarded), after paragraph 75 insert—

“**76.** Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

**Amendment of the Income Support (General) Regulations (Northern Ireland) 1987**

8.—(1) The Income Support (General) Regulations (Northern Ireland) 1987<sup>(2)</sup> are amended as follows.

(2) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), after paragraph 74 insert—

“**75.** Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

(3) In Schedule 10 (capital to be disregarded), after paragraph 67 insert—

“**68.** Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

**Amendment of the Jobseeker’s Allowance Regulations 1996**

9.—(1) The Jobseeker’s Allowance Regulations 1996<sup>(3)</sup> are amended as follows.

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(1) [S.I. 1987/1967](#); relevant amending instrument is [S.I. 2018/1138](#).  
(2) [S.R. 1987 No. 459](#); relevant amending instrument is [S.R. 2018 No. 192](#).  
(3) [S.I. 1996/207](#); relevant amending instrument is [S.I. 2018/1138](#).

(2) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings), after paragraph 78 insert—

“79. Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

(3) In Schedule 8 (capital to be disregarded), after paragraph 68 insert—

“69. Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

### **Amendment of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996**

10.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(4) are amended as follows.

(2) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings), after paragraph 70 insert—

“71. Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

(3) In Schedule 7 (capital to be disregarded), after paragraph 60 insert—

“61. Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

### **Amendment of the State Pension Credit Regulations 2002**

11.—(1) The State Pension Credit Regulations 2002(5) are amended as follows.

(2) In regulation 15(1) (social security benefits which are not prescribed for the purposes of income as described in section 15(1)(e) of the State Pension Credit Act 2002(6)), after sub-paragraph (rb) insert—

“(rc) funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

(3) In Part 1 of Schedule 5 (capital disregarded for the purpose of calculating income), after paragraph 20(2)(r) insert—

“(s) funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

### **Amendment of the State Pension Credit Regulations (Northern Ireland) 2003**

12.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(7) are amended as follows.

(2) In regulation 15(1) (social security benefits which are not prescribed for the purposes of income and capital as described in section 15(1)(e) of the State Pension Credit Act (Northern Ireland) 2002(8)), after sub-paragraph (qb) insert—

“(qc) funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

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(4) S.R. 1996 No. 198; relevant amending instrument is S.R. 2018 No. 192.

(5) S.I. 2002/1792; relevant amending instrument is S.I. 2018/1138.

(6) 2002 c.16.

(7) S.R. 2003 No. 28; relevant amending instruments are S.R. 2018 No. 192 and S.R. 2019 No. 23.

(8) 2002 c.14 (N.I.).

(3) In Part 1 of Schedule 5 (capital disregarded for the purpose of calculating income), after paragraph 20(2)(q) insert—

“(r) funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

#### **Amendment of the Housing Benefit Regulations 2006**

**13.**—(1) The Housing Benefit Regulations 2006<sup>(9)</sup> are amended as follows.

(2) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings), after paragraph 69 insert—

“**70.** Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

(3) In Schedule 6 (capital to be disregarded), after paragraph 65 insert—

“**66.** Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

#### **Amendment of the Housing Benefit Regulations (Northern Ireland) 2006**

**14.**—(1) The Housing Benefit Regulations (Northern Ireland) 2006<sup>(10)</sup> are amended as follows.

(2) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings), after paragraph 67 insert—

“**68.** Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

(3) In Schedule 7 (capital to be disregarded), after paragraph 61 insert—

“**62.** Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

#### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**15.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006<sup>(11)</sup> are amended as follows.

(2) In regulation 29 (meaning of “income”), after paragraph (1)(j)(xviic) insert—

“(xviid) funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

(3) In Part 1 of Schedule 6 (capital to be disregarded generally), after paragraph 21(2)(q) insert—

“(r) funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

#### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006**

**16.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006<sup>(12)</sup> are amended as follows.

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<sup>(9)</sup> S.I. 2006/213; relevant amending instrument is S.I. 2018/1138.

<sup>(10)</sup> S.R. 2006 No. 405; relevant amending instruments are S.R. 2018 No. 192 and S.R. 2019 No. 23.

<sup>(11)</sup> S.I. 2006/214; relevant amending instrument is S.I. 2018/1138.

<sup>(12)</sup> S.R. 2006 No. 406; relevant amending instruments are S.R. 2018 No. 192 and S.R. 2019 No. 23.

- (2) In regulation 27(1)(h) (meaning of “income”), after paragraph (xvc) insert—  
“(xvd) funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.
- (3) In Part 1 of Schedule 7 (capital to be disregarded generally), after paragraph 21(2)(o) insert—  
“(p) funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

### **Amendment of the Employment and Support Allowance Regulations 2008**

- 17.—(1) The Employment and Support Allowance Regulations 2008(13) are amended as follows.
- (2) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), after paragraph 70 insert—  
“71. Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.
- (3) In Schedule 9 (capital to be disregarded), after paragraph 63 insert—  
“64. Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

### **Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008**

- 18.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(14) are amended as follows.
- (2) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), after paragraph 65 insert—  
“66. Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.
- (3) In Schedule 9 (capital to be disregarded), after paragraph 58 insert—  
“59. Any funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

### **Amendment of the Universal Credit Regulations 2013**

- 19.—(1) The Universal Credit Regulations 2013(15) are amended as follows.
- (2) In Schedule 10 (capital to be disregarded), after paragraph 21 insert—  
“22. Any funeral expense assistance given within the past 12 months in accordance with section 34 of the Social Security (Scotland) Act 2018.”.

### **Amendment of the Universal Credit Regulations (Northern Ireland) 2016**

- 20.—(1) The Universal Credit Regulations (Northern Ireland) 2016(16) are amended as follows.
- (2) In Schedule 10 (capital to be disregarded), after paragraph 22 insert—

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(13) S.I. 2008/794; relevant amending instrument is S.I. 2018/1138.

(14) S.R. 2008 No. 280; relevant amending instruments are S.R. 2018 No. 192 and S.R. 2019 No. 23.

(15) S.I. 2013/376; relevant amending instrument is S.I. 2018/1138.

(16) S.R. 2016 No. 216; relevant amending instrument is S.R. 2017 No. 116.

“**23.** Any early years assistance given within the past 12 months in accordance with section 32 of the Social Security (Scotland) Act 2018.

**24.** Any funeral expense assistance given within the past 12 months in accordance with section 34 of the Social Security (Scotland) Act 2018.”.