

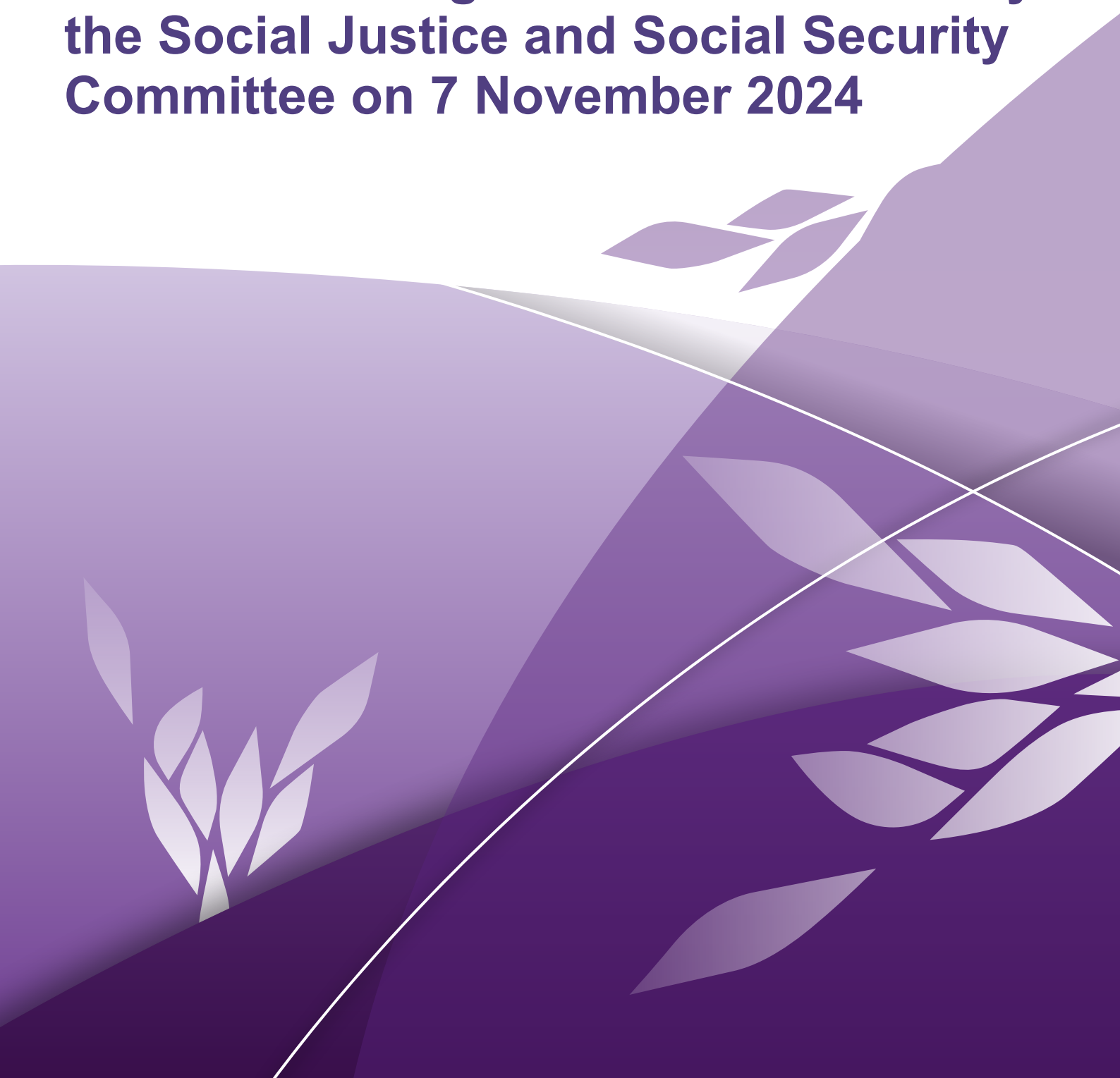


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Social Justice and Social Security Committee

Subordinate Legislation considered by the Social Justice and Social Security Committee on 7 November 2024



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Social Justice and Social Security Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants' rights.



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Introduction

1. This report concerns the [Funeral Expense Assistance \(Scotland\) Amendment Regulations 2024](#), laid before the Parliament by the Scottish Government on 1 October 2024. The instrument, which was laid in draft, is subject to the affirmative procedure – which means it cannot be made unless it has been approved by a resolution of the Parliament.
2. It is for the Social Justice and Social Security Committee, as lead committee, to decide whether or not to recommend approval.

About the instrument

3. These Regulations, laid under the [Social Security \(Scotland\) Act 2018](#), set out the rules and eligibility criteria for Funeral Expense Assistance, also referred to as Funeral Support Payment (FSP).
4. They introduce changes to support the continuous improvement of FSP and future proof the regulations to allow FSP to be awarded for a funeral involving alkaline hydrolysisⁱ.
5. The Instrument also introduces several improvements that will support bereaved people and reduce the burden of debt a person may face when paying for a funeral. These changes are a result of varying funeral trends, appeals and lessons learned since FSP was launched in September 2019.

ⁱ [What is Alkaline hydrolysis?](#)

Consideration by the DPLR Committee

6. The Delegated Powers and Law Reform (DPLR) Committee is required to consider every instrument laid before the Parliament and decide whether to draw it to the attention of the Parliament on any of the “reporting grounds” set out in Rule 10.3 of the Parliament's standing orders.
7. The DPLR Committee considered this instrument at its meeting on [8 October 2024](#). It raised no point in relation to the instrument but noted that the original draft of this instrument was withdrawn, and the present version re-laid, following questions raised by the Committee with the Scottish Government. ¹

Consideration by the Social Justice and Social Security Committee

8. At its meeting on [7 November 2024](#), the Social Justice and Social Security Committee took evidence on the instrument from the Cabinet Secretary for Social Justice and Scottish Government officials.
9. The Cabinet Secretary explained that to ensure that more people get the correct level of assistance, the current restriction on costs for funerals that take place outwith a deceased's local area is being removed.
10. Members asked if the Regulations would make it more likely that people would apply for support with funerals outwith their local area and what the associated costs would be.
11. The Cabinet Secretary considered that the change would not "make it significantly more likely that people will apply for support for funerals outwith their local area. The internal analysis that has been undertaken estimates the increased cost to be around £80,000 per annum, so the difference is minimal." ²
12. She added that the intention is not to publish information on funerals outwith the local area, as the data held by Social Security Scotland is not detailed enough at this stage but would keep the matter under active consideration. ³
13. These Regulations allow FSP to be paid for funerals anywhere outside the UK in exceptional circumstances for anyone who meets the eligibility criteria.
14. Members asked for examples of 'exceptional circumstances'. The Cabinet Secretary responded that in addition to extreme weather or war, "people might require a funeral to be held within a certain timeframe, say, for religious reasons." ⁴
15. On whether statistics would be published, the Cabinet Secretary advised that the number of awards made outwith the UK is less than 1% of all applications and as the numbers are too small to provide robust data, there are currently no plans to publish statistics. She, however, assured the Committee "there would be internal analysis to measure the impact of the changes, with the first data scheduled six months after the regulations come into force." ⁵
16. The Regulations also allow FSP to be paid for alkaline hydrolysis, also known as 'water cremation'. This is not yet available in Scotland, but the Scottish Government consulted on allowing it in 2023.
17. The Cabinet Secretary said—

” We are extending the definition of “funeral” to include alkaline hydrolysis as an alternative to burial or cremation. The Scottish Government recently consulted on whether alkaline hydrolysis should be introduced as a regulated form of body disposal and found 84% of respondents to be in favour. ⁶
18. She added—

” Introducing that amendment now will future proof the Regulations to ensure that we can award funeral support payments for people who choose that method, should it become available in Scotland. It will also be brought into scope for people who are eligible for expenses assistance for funerals abroad.
7

19. The Committee sought an update on the progress of considering whether to approve alkaline hydrolysis.
20. The Cabinet Secretary said as the matter does not fall within her remit she would ask the Minister for Public Health and Women's Health to write to the Committee with further details.⁸
21. Following the oral evidence, the Cabinet Secretary moved motion [S6M-14591](#) — That the Social Justice and Social Security Committee recommends that the Funeral Expense Assistance (Scotland) Amendment Regulations 2024 [draft] be approved.
22. The motion was agreed to.

Recommendation

23. Accordingly, the Committee recommends to the Parliament that the draft Funeral Expense Assistance (Scotland) Amendment Regulations 2024 be approved.

Social Justice and Social Security Committee

Subordinate Legislation considered by the Social Justice and Social Security Committee on 7 November 2024, 13th Report, 2024 (Session 6)

- 1 [Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 8 October 2024](#), p1
- 2 The Social Justice and Social Security Committee. Official Report, 7 November 2024, Col 4
- 3 The Social Justice and Social Security Committee. Official Report, 7 November 2024, Col 5
- 4 The Social Justice and Social Security Committee. Official Report, 7 November 2024, Col 5
- 5 The Social Justice and Social Security Committee. Official Report, 7 November 2024, Col 6
- 6 The Social Justice and Social Security Committee. Official Report, 7 November 2024, Col 3
- 7 The Social Justice and Social Security Committee. Official Report, 7 November 2024, Col 3
- 8 The Social Justice and Social Security Committee. Official Report, 7 November 2024, Col 6

