

1988 No. 22

## SOCIAL SECURITY

**The Social Fund (Maternity and Funeral Expenses) (General)  
(Amendment No. 2) Regulations (Northern Ireland) 1988***Made* . . . . . 25th January 1988*Coming into operation* . . . . . 11th April 1988

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 33(2)(a) of the Social Security (Northern Ireland) Order 1986(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Social Fund (Maternity and Funeral Expenses) (General) (Amendment No. 2) Regulations (Northern Ireland) 1988 and shall come into operation on 11th April 1988.

(2) In these regulations “the principal regulations” means the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(b).

*Amendment of regulation 2 of the principal regulations*

2.—(1) Regulation 2 of the principal regulations (interpretation) shall be amended in accordance with paragraphs (2) to (5).

(2) The following definition shall be added to paragraph (1) at the beginning of the list of definitions—

“ “the Order” means the Social Security (Northern Ireland) Order 1986;”

(3) The definitions of the following terms in paragraph (1) shall be omitted—

“family income supplement”

“housing benefit”

“single payment of supplementary benefit”

“supplementary benefit”.

(4) For the definition of “person affected by a trade dispute” in paragraph (1) there shall be substituted the following definition—

“ “person affected by a trade dispute” means a person—

(a) to whom Article 24 of the Order applies; or

(b) to whom that Article would apply if a claim to income support were made by or in respect of him;”

(a) S.I. 1986/1888 (N.I. 18); Article 33(2)(a) was amended by Article 3 of the Social Fund (Maternity and Funeral Expenses) (Northern Ireland) Order 1987 (S.I. 1987/464 (N.I. 8))

(b) S.R. 1987 No. 150; the relevant amending regulations are S.R. 1988 No. 6

(5) For paragraph (2) there shall be substituted the following paragraph—

“(2) For the purposes of these regulations, two persons are to be treated as being or not being members of the same household in the circumstances set out in regulation 16(2) and (3) of the Income Support (General) Regulations (Northern Ireland) 1987(a).”

*Amendment of regulation 4 of the principal regulations*

3.—(1) In regulation 4(1) of the principal regulations (entitlement to payments for maternity expenses)—

(a) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) the claimant or the claimant’s partner has, in respect of the date of the claim for a maternity payment, been awarded either income support or family credit; and”;

(b) in sub-paragraph (c) for the words from “in regulation 7” to the end of that sub-paragraph there shall be substituted “in regulation 19 of, and Schedule 4 to, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(b).”

(2) For paragraph (2) of regulation 4 of the principal regulations (amount of maternity payment) there shall be substituted the following paragraph—

“(2) Subject to Part IV, the amount of a maternity payment shall be—

(a) where the claim is made on or after 11th April 1988 and before the confinement, £85 in respect of each expected child, but if the claim was made on an earlier date, £80 in respect of each expected child;

(b) where the claim is made after the confinement, if that confinement has ended on or after 11th April 1988, £85 in respect of each child, including any child who is stillborn, but if the confinement has ended before that date, £80 in respect of each child, including any child who is stillborn;

(c) where the claim is made after a child has been adopted and the adoption has taken place on or after 11th April 1988, £85 in respect of that child, but if the adoption has taken place before that date, £80 in respect of that child.”

*Amendment of regulation 5 of the principal regulations*

4. In regulation 5 of the principal regulations (persons affected by a trade dispute)—

(a) in paragraph (a) for “supplementary benefit” there shall be substituted “income support”;

(b) in paragraph (b) for “family income supplement” in both places where it appears there shall be substituted “family credit”.

*Amendment of regulation 6 of the principal regulations*

5. In regulation 6(1) of the principal regulations (entitlement to payments for funeral expenses)—

(a) S.R. 1987 No. 459

(b) S.R. 1987 No. 465

- (a) for sub-paragraph (a) there shall be substituted the following sub-paragraph—
- “(a) the claimant or the claimant’s partner has, in respect of the date of the claim for a funeral payment, been awarded either income support, family credit or housing benefit; and”;
- (b) in sub-paragraph (d) for the words from “in regulation 7” to the end of that sub-paragraph there shall be substituted “in regulation 19 of, and Schedule 4 to, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987.”.

*Amendment of regulation 8 of the principal regulations*

6. For paragraph (2) of regulation 8 of the principal regulations (effect of capital) there shall be substituted the following paragraph—

“(2) In calculating the amount of the claimant’s capital for the purposes of paragraph (1)—

- (a) any capital possessed by any person whose capital is treated as that of the claimant by virtue of Article 23(5) of the Order or the provisions of regulation 23(3) of the Income Support (General) Regulations (Northern Ireland) 1987 (calculation of income and capital) shall be treated as that of the claimant;
- (b) any capital specified in regulation 47 of, and Schedule 10 to, those regulations (capital disregards) shall be disregarded;
- (c) any sum acquired by the claimant (whether as a loan or otherwise) on the express condition that it is to be used to meet the funeral expenses in respect of which the claim is made shall be disregarded;
- (d) in the case of a claim for a maternity payment or a funeral payment which is made within 12 months of the death of the husband of the claimant, any lump sum payable to that claimant as a widow by virtue of section 24 of the Social Security (Northern Ireland) Act 1975(a) shall be disregarded;
- (e) the amount of any payment out of capital, other than capital disregarded under sub-paragraphs (b) to (d), which has already been made towards the funeral expenses (whether the expenses are within the scope of regulation 6(2) or not) shall be added back to that capital as if the payment had not been made.”.

*Substitution of regulation 9 of the principal regulations*

7. For regulation 9 of the principal regulations (assessment of capital) there shall be substituted the following regulation—

*“Calculation of capital*

9. The amount of any capital which is taken into account for the purposes of regulation 8 shall be calculated as if it were capital to which regulation 46 of the Income Support (General) Regulations (Northern Ireland) 1987 applied.”.

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(a) 1975 c. 15; section 24 is substituted by Article 37(1) of the Social Security (Northern Ireland) Order 1986

Sealed with the Official Seal of the Department of Health and Social Services on 25th January 1988.

(L.S.)

A. N. Burns

Assistant Secretary

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### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations further amend the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987 ("the principal regulations"). They correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Regulations 2, 3(1), 4, 5 and 7 respectively amend regulations 2 (interpretation), 4 (entitlement to a maternity payment), 5 (persons affected by a trade dispute), 6 (entitlement to a funeral payment) and 9 (assessment of capital) of the principal regulations in consequence of the coming into operation of new schemes made under the Social Security (Northern Ireland) Order 1986 for income support, family credit and housing benefit.

Regulations 3(1) and 5(a) also simplify the requirement as to the time at which a person must be on a qualifying benefit in order to be entitled to a maternity or funeral payment.

Regulation 3(2) prescribes £85 instead of £80 for maternity payments by further amending regulation 4 of the principal regulations.

Regulation 6, by amending regulation 8 of the principal regulations (effect of capital), also makes new provision for disregarding capital borrowed to pay for funeral costs.