

1989 No. 71

SOCIAL SECURITY

**The Social Fund (Maternity and Funeral Expenses)
(General) (Amendment) Regulations (Northern Ireland) 1989**

Made 9th March 1989

Coming into operation 1st April 1989

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) Regulations (Northern Ireland) 1989 and shall come into operation on 1st April 1989.

(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. For paragraph (2) of regulation 2 of the principal regulations (interpretation) there shall be substituted the following paragraph—

“(2) For the purposes of these regulations, persons are to be treated as 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(c).”.

Amendment of regulation 8 of the principal regulations

3.—(1) Regulation 8 of the principal regulations (effect of capital) shall be amended in accordance with paragraphs (2) and (3).

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

“(2) For the purposes of paragraph (1)—

(a) any capital possessed by any person whose capital is, for the purposes of entitlement to income support, treated as that of the claimant by virtue of Article 23(5) of the Social Security (Northern Ireland) Order 1986 or the provisions of regulation 23(3) of the Income Support (General) Regulations (Northern

(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 Nos. 6 and 22

(c) S.R. 1987 No. 459; the relevant amending regulations are S.R. 1988 No. 146, 193, 205, 274, 318 and

Ireland) 1987 (calculation of income and capital) shall be treated as that of the claimant; and

- (b) subject to paragraph (3), the claimant's capital shall be calculated in the same manner as his capital is calculated under the Income Support (General) Regulations (Northern Ireland) 1987 for the purposes of determining his entitlement to income support.”.

(3) After paragraph (2) there shall be inserted the following paragraph—

“(3) For the purposes of paragraph (1)—

- (a) 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;
- (b) 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;
- (c) the amount of any payment out of capital, other than capital disregarded under sub-paragraphs (a) and (b) or under regulation 47 of, and Schedule 10 to, the Income Support (General) Regulations (Northern Ireland) 1987 (capital disregards), which has already been made towards the funeral expenses (whether or not the expenses are within the scope of regulation 6(2) of these regulations) shall be added back to that capital as if the payment had not been made.”.

Revocation of regulation 9 of the principal regulations

4. Regulation 9 of the principal regulations (assessment of capital) shall be revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 9th March 1989.

(L.S.)

A. N. Burns

Assistant Secretary

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

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 Security 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.

The regulations substitute a new paragraph for paragraph (2) of regulation 2 of the principal regulations, to clarify the interpretation provisions in regard to treatment as members of a household (regulation 2); and amend the provisions dealing with capital to make it clear that, apart from those modifications which are specified, capital is to be calculated as for income support purposes (regulations 3 and 4).