
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 423

SOCIAL SECURITY

**The Social Fund (Maternity and Funeral Expenses) (General)
(Amendment) Regulations (Northern Ireland) 1996**

Made - - - - 12th September 1996

Coming into operation 7th October 1996

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 134(1)(a) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹⁾ 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) 1996 and shall come into operation on 7th October 1996.

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

(3) The Interpretation Act (Northern Ireland) 1954⁽³⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

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 (4).

(2) In paragraph (1)—

(a) in the definition of “child” for “(General) Regulations (Northern Ireland) 1987” there shall be substituted “Regulations⁽⁴⁾ or, as the case may be, of regulation 76 of the Jobseeker’s Allowance Regulations”, and

(b) after the definition of “funeral payment” there shall be inserted the following definitions—

(1) 1992 c. 7

(2) S.R. 1987 No. 150; relevant amending regulations are S.R. 1988 Nos. 6 and 22, S.R. 1989 No. 71, S.R. 1990 No. 132, S.R. 1992 No. 6, S.R. 1993 No. 99, S.R. 1994 No. 68 and S.R. 1995 No. 190

(3) 1954 c. 33 (N.I.)

(4) Regulation 14 was amended by S.R. 1990 No. 131

““income-based jobseeker’s allowance” has the same meaning in these Regulations as it has in the Jobseekers (Northern Ireland) Order 1995(5) by virtue of Article 2(2) of that Order;

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(6);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(7);”.

(3) After paragraph (1) there shall be inserted the following paragraph—

“(1A) For the purposes of Part III of these Regulations, persons are to be treated as being members of the same household where such persons were partners and either or both or any or all of those persons are permanently in residential accommodation or a residential care home or a nursing home as defined for the purposes of the Income Support Regulations or, as the case may be, of the Jobseeker’s Allowance Regulations.”.

(4) In paragraph (2) after “(3)” there shall be inserted “(a) to (d)” and for “(General) Regulations (Northern Ireland) 1987” there shall be substituted “Regulations(8) or, as the case may be, in regulation 78(2) and (3)(a) to (c) of the Jobseeker’s Allowance Regulations”.

Amendment of regulation 4 of the principal Regulations

3. In regulation 4(1)(a) of the principal Regulations(9) (entitlement to a maternity payment) after “income support,” there shall be inserted “income-based jobseeker’s allowance,”.

Amendment of regulation 5 of the principal Regulations

4. In regulation 5(a) of the principal Regulations(10) (persons affected by a trade dispute) after “income support” there shall be inserted “or income-based jobseeker’s allowance”.

Amendment of regulation 6 of the principal Regulations

5.—(1) Regulation 6 of the principal Regulations(11) (entitlement to a funeral payment) shall be amended in accordance with paragraphs (2) to (7).

(2) In paragraph (1)(a) after “income support,” there shall be inserted “income-based jobseeker’s allowance,”.

(3) At the beginning of paragraph (1B) there shall be inserted “Except in a case where paragraph (1C) applies,”.

(4) After paragraph (1B), there shall be inserted the following paragraph—

“(1C) Paragraph (1B) shall not apply where the close relative who was in closer contact with the deceased than the responsible person, or, as the case may be, was in equally close contact with the deceased—

- (a) was a child as at the date of death; and
- (b) there is no other close relative (not being a child) to whom any of sub-paragraphs (a) to (c) of paragraph (1B) apply.”.

(5) S.I.1995/2705 (N.I. 15)

(6) S.R. 1987 No. 459

(7) S.R. 1996 No. 198

(8) Regulation 16(2) and (3) was amended by S.R. 1993 Nos. 149 and 373

(9) Regulation 4(1)(a) was substituted by S.R. 1988 No. 22 and amended by S.R. 1992 No. 6

(10) Regulation 5(a) was amended by S.R. 1988 No. 22

(11) Regulation 6 was amended by S.R. 1988 No. 22, S.R. 1993 No. 99 and S.R. 1995 No. 190

- (5) In paragraph (2) after “Subject to” there shall be inserted “paragraph (6),”.
- (6) In paragraph (4)—
- (a) for sub-paragraph (a) there shall be substituted the following sub-paragraph—
- “(a) in the case of a burial—
- (i) the necessary costs of purchasing a new burial plot which is suitable for the deceased, together with an exclusive right of burial in that plot, and
- (ii) the necessary costs of the burial;”, and
- (b) in sub-paragraph (c) for head (ii), there shall be substituted the following head—
- “(ii) the fee payable, or the amount of any donation, to a Minister of religion and for the use of the church or other place of worship, to the extent that the total amount of such fees or donations does not exceed £57,”.
- (7) After paragraph (4) there shall be inserted the following paragraphs—
- “(5) All references in paragraphs (3) and (4)(c)(vii), (viii) and (ix) to a distance of 50 miles shall be construed as applying to the distance of the combined outward and return journey.
- (6) No funeral payment shall be made in respect of items and services specified in paragraphs (3) and (4) which have been provided on the death of the deceased under a pre-paid funeral plan.”.

Amendment of regulation 7 of the principal Regulations

- 6.** In regulation 7 of the principal Regulations(**12**) (deductions from an award of a funeral payment)—
- (a) in paragraph (a) after “administration” there shall be inserted “or in Scotland, confirmation,”, and
- (b) after paragraph (d) there shall be added the following paragraph—
- “(e) the amount of any sum payable under a pre-paid funeral plan in order to meet the deceased’s funeral expenses where the plan had not been paid for in full prior to the death of the deceased.”.

Amendment of regulation 8 of the principal Regulations

- 7.—(1)** Regulation 8 of the principal Regulations (**13**) (effect of capital) shall be amended in accordance with paragraphs (2) to (4).
- (2) In paragraph (2)(a)—
- (a) after “income support” there shall be inserted “or, as the case may be, income-based jobseeker’s allowance”, and
- (b) for “(General) Regulations (Northern Ireland) 1987” there shall be substituted “Regulations(**14**) or, as the case may be, of regulation 88(4) of the Jobseeker’s Allowance Regulations”.
- (3) In paragraph 2(b)—
- (a) for “(General) Regulations (Northern Ireland) 1987” there shall be substituted “Regulations or, as the case may be, under the Jobseeker’s Allowance Regulations”, and

(12) Regulation 7(a) was amended by S.R. [1994 No. 68](#)

(13) Regulation 8 was amended by S.R. [1989 No. 71](#), S.R. [1990 No. 132](#) and S.R. [1995 No. 190](#)

(14) Regulation 23(3) was amended by S.R. [1988 No. 274](#)

- (b) after “income support” there shall be inserted “or, as the case may be, income-based jobseeker’s allowance”.
- (4) In paragraph (3)(c)—
 - (a) for “regulation 47” there shall be substituted “regulation 46(2) or 47”, and
 - (b) for “(General) Regulations (Northern Ireland) 1987” there shall be substituted “Regulations or, as the case may be, under regulation 108(2) or 109 of, and Schedule 7 to, the Jobseeker’s Allowance Regulations”.

Transitional provision

8. Regulations 2(3) and (4), 5(3) to (7) and 6 of these Regulations shall not have effect with respect to any claim for a funeral payment made before 7th October 1996.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 12th September 1996.

D. A. Baker
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987 by—

- (a) providing that income-based jobseeker's allowance is to be a qualifying benefit for the purpose of obtaining a maternity payment or a funeral payment and making consequential amendments (regulations 2(2) and (4), 3, 4, 5(2) and 7);
- (b) treating claimants or partners of claimants who are receiving long term care in residential care or nursing homes as members of the household (regulation 2(3) and (4));
- (c) excluding children and young persons from consideration when determining whether the responsible person is entitled to a funeral payment (regulation 5(3) and (4));
- (d) providing that funeral payments should not be made in respect of items covered by a pre-paid funeral plan (regulation 5(5) and (7)) and that sums received under such a plan should be deducted from funeral payments (regulation 6(b));
- (e) clarifying the allowable costs in respect of a burial and in respect of fees and donations paid to Ministers or for the use of churches and other places of worship (regulation 5(6)) and also clarifying the scope of the references to mileage in the regulations (regulation 5(7)), and
- (f) including a reference to confirmations of estates obtained in Scotland (regulation 6(a)).

Regulation 8 provides a transitional provision relating to certain provisions in respect of claims for funeral payments made before 7th October 1996.

These Regulations correspond to provision contained in Regulations made by the Secretary of State of Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of the Act for prior reference to the Social Security Advisory Committee.