
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 499

SOCIAL SECURITY

**The Social Fund (Maternity and Funeral Expenses) (General)
(Amendment) Regulations (Northern Ireland) 1999**

Made - - - - *20th December 1999*

Coming into operation *4th January 2000*

The Department for Social Development, in exercise of the powers conferred by sections 134(1) (a) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹⁾ and now vested in it⁽²⁾, 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) 1999 and shall come into operation on 4th January 2000.

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

Amendment of the Social Fund (Maternity and Funeral Expenses) (General) Regulations

2.—(1) The Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987⁽⁴⁾ shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 3(4)(b)⁽⁵⁾ (provision against double payment), for “the amount of the award” there shall be substituted “the further amount of the award”.

(3) In regulation 6⁽⁶⁾ (entitlement)—

(a) in paragraph (3), for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) there are one or more immediate family members of the deceased;”;

(1) 1992 c. 7

(2) See Article 8(b) of S.R. 1999 No. 481

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

(4) S.R. 1987 No. 150; relevant amending Regulations are S.R. 1997 Nos. 155 and 472

(5) Paragraph (4) was added by regulation 4(3) of S.R. 1997 No. 472; sub-paragraph (b) was amended by S.R. 1999 No. 472 (C. 36)

(6) Regulation 6 was substituted by regulation 2(5) of S.R. 1997 No. 155

- (b) in paragraph (4)—
 - (i) before sub-paragraph (a) there shall be inserted the following sub-paragraph—
 - “(za) a person who has not attained the age of 18;”;
 - (ii) in sub-paragraph (a), for “aged less than 19” there shall be substituted “has attained the age of 18 but not the age of 19”;
- (c) in paragraph (7)—
 - (i) in sub-paragraph (a), for “was a child”, there shall be substituted “had not attained the age of 18”, and
 - (ii) in sub-paragraph (b), for “a child”, there shall be substituted “a person who had not attained the age of 18”.
- (4) In regulation 6A(2)(7) (amount of funeral payment)—
 - (a) in sub-paragraph (a), for head (ii) there shall be substituted the following head—
 - “(ii) the fees levied in respect of a burial by the person responsible for the provision and maintenance of cemeteries for the area where the burial takes place in so far as it is necessary to incur those fees;”;
 - (b) in sub-paragraph (b), for head (i) there shall be substituted the following heads—
 - “(i) the fees levied in respect of a cremation by the person responsible for the provision and maintenance of crematoria for the area where the cremation takes place in so far as it is necessary to incur those fees,
 - (ia) the cost of any medical references,”.

Saving

3. Where, in respect of a death which occurs before 4th January 2000, a claim is made for funeral expenses from the social fund in respect of a funeral which takes place on or before 4th April 2000, regulations 6 and 6A of the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987 shall apply in respect of that claim as if regulation 2(3) and (4) of these Regulations had not been made.

Sealed with the Official Seal of the Department for Social Development on 20th December 1999.

John O'Neill
Senior Officer of the
Department for Social Development

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.

In particular, regulation 2(3) provides that the presence of 16 and 17 year old immediate family members or close relatives shall not disentitle a responsible person from a funeral payment, regulation 2(4) prescribes what are to be regarded as the necessary costs of a burial or cremation for the purpose of ascertaining the amount of a funeral payment and regulation 2(2) makes a technical amendment to those Regulations.

Regulation 3 makes a saving provision.

These Regulations make in relation to Northern Ireland only provision corresponding 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 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 that Act for prior reference to the Social Security Advisory Committee.