

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2005 No. 506**

**The Social Fund Maternity and Funeral Expenses  
(General) Regulations (Northern Ireland) 2005**

**PART III**

**PAYMENTS FOR FUNERAL EXPENSES**

**Funeral payments: supplementary**

8.—(1) Subject to paragraph (2), the claimant shall not be entitled to a funeral payment where the responsible person is an immediate family member, a close relative or a close friend of the deceased and—

- (a) there are one or more immediate family members of the deceased;
- (b) one or more of those immediate family members or their partners are not persons to whom regulation 7(4) applied as at the date of death; and
- (c) any of the immediate family members referred to in sub-paragraph (b) was not estranged from the deceased at the date of his death.

(2) Paragraph (1) shall not apply to disentitle the claimant from a funeral payment where the immediate family member who meets the description specified in sub-paragraph (c) of that paragraph is at the date of death—

- (a) a person who has not attained the age of 18;
- (b) a person who has attained the age of 18 but not the age of 19 who is receiving, or treated as receiving, relevant education within the meaning of regulation 12 of the Income Support Regulations;
- (c) a person who has attained the age of 18 but not the age of 19 and who is attending a full-time course of advanced education, as defined in regulation 61 of the Income Support Regulations(1), or, as the case may be, a person aged 19 or over but under pensionable age who is attending a full-time course of study, as defined in that regulation, at an educational establishment;
- (d) a person in receipt of asylum support under section 95 of the Immigration and Asylum Act 1999(2);
- (e) a member of, and fully maintained by, a religious order;
- (f) being detained in a prison or young offender's centre and either that immediate family member or his partner is a person to whom regulation 7(4) applied immediately before that immediate family member was so detained;

---

(1) The definition of "a course of advanced education" was substituted by regulation 5(8)(a) of [S.R. 1996 No. 405](#) and amended by regulation 5(2)(a) of [S.R. 2004 No. 300](#)

(2) [1999. c. 33](#)

- (g) a person who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975<sup>(3)</sup> or the Social Security (Hospital In-Patients) Regulations 1975<sup>(4)</sup> and either that immediate family member or his partner is a person to whom regulation 7(4) applied immediately before that immediate family member was first regarded as receiving such treatment; or
  - (h) a person ordinarily resident outside the United Kingdom.
- (3) Paragraphs (4) to (8) apply for the purposes of regulation 7(8)(d) and (e).
- (4) The deceased shall be treated as having had no partner where the deceased had a partner at the date of death and —
- (a) no claim for funeral expenses is made by the partner in respect of the death of the deceased; and
  - (b) that partner dies before the date upon which the deceased's funeral takes place.
- (5) Whether it is reasonable for the responsible person to accept responsibility for meeting the expenses of a funeral shall be determined by the nature and extent of his contact with the deceased.
- (6) Paragraph (7) applies (subject to paragraph (8)) in a case where the deceased had one or more close relatives.
- (7) If, on comparing the nature and extent of any close relative's contact with the deceased and the nature and extent of the responsible person's contact with the deceased, any such close relative was in—
- (a) closer contact with the deceased than the responsible person;
  - (b) equally close contact with the deceased and neither that close relative nor his partner, if he has one, is a person to whom regulation 7(4) applies,
- the claimant shall not be entitled to a funeral payment.
- (8) However, paragraph (7) shall not apply where the close relative who was in—
- (a) closer contact with the deceased than the responsible person, or (as the case may be)
  - (b) equally close contact with the deceased,
- is at the date of death of a description specified in any of sub-paragraphs (a) to (h) of paragraph (2).
- (9) In a case where the responsible person is the partner of the person who was a close relative, immediate family member or (as the case may be) close friend of the deceased, references in the preceding provisions of this regulation, and in regulation 7(8)(d) and (e), to the responsible person are to be construed as references to the responsible person's partner.

---

(3) [S.R. 1975 No. 109](#); the relevant amending rule is [S.R. 1992 No. 453](#)

(4) [S.I. 1975/555](#); the relevant amending instrument is [S.I. 1992/2595](#)