

**EXPLANATORY MEMORANDUM TO**  
**The Social Fund Maternity and Funeral Expenses (General) (Amendment)**  
**Regulations (Northern Ireland)**  
**2011**

**SR 2011 No. 130**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the Social Security Administration (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. The Statutory Rule makes amendments to the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 (“the principal Regulations”) and the Social Security Claims and Payments Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”).
- 2.2. The amendment to the principal Regulations will restrict eligibility for a Sure Start Maternity Grant to the first child or children from April 2011 as announced in the June 2010 Budget as part of the Government’s deficit reduction plan. The new rules will apply to babies born from 11th April 2011 to achieve the savings agreed with Her Majesty’s Treasury. As a grant can be claimed from 11 weeks before the week in which a baby is due this means that the legislation must come into operation immediately. It is recognised that some families will be negatively affected by these changes but by concentrating help on those families where the baby will be the only child in the household under 16 is considered to provide the best use of limited resources.
- 2.3. The Claims and Payments Regulations are amended in order to clarify the prescribed time for claiming a Sure Start Maternity Grant in a case where a claimant becomes responsible for a child.

**3. Background**

- 3.1. The £500 Sure Start Maternity Grant assists with the costs of maternity and baby items.
- 3.2. Currently, people in receipt of one of the following income-related benefits - Income Support, income-based Jobseeker’s Allowance, income-related Employment and Support Allowance and State Pension Credit – are eligible for a Sure Start Maternity Grant in respect of each new child. People who receive Child Tax Credit at a rate higher than the family element or Working Tax credit that includes the disability or severe disability element are also eligible. Grants are payable whether a child is

born to the claimant or is new to the family (for example, under an adoption, residence or parental order or guardianship).

- 3.3. Whilst the amendment to the principal Regulations will restrict eligibility for a Sure Start Maternity Grant to the first child or children from April 2011, it has also been decided that the fact there are children aged 16 years or above in the claimant's family will not affect eligibility for a Sure Start Maternity Grant. Likewise if a child is stillborn or dies, this will not affect the eligibility of any future child.
- 3.4. However where there is already a child in the family aged less than 16 years, a Sure Start Maternity Grant will not be payable except where the claim relates to a multiple birth, grants will be made for each child so long as there are no other children aged less than 16 years in the family. Where dependent children or young people have a child (or multiple birth) themselves, the grandparents can apply for a Sure Start Maternity Grant (as long as the dependent child does not have any other children aged less than 16 who are part of the same household). Grandparents may claim even though there may be other children aged less than 16 years in the family.
- 3.5. A new provision explaining the circumstances in which a person will be treated as responsible for a child has also been inserted into the Regulations so as to clarify eligibility for Sure Start Maternity Grants.
- 3.6. This Rule also makes a minor amendment to the Claims and Payments Regulations in relation to the prescribed time for claiming a Sure Start Maternity Grant.

#### **4. Consultation**

- 4.1. The Social Security Advisory Committee was consulted on the Great Britain proposals and the Committee decided in December 2010 that these regulations should be referred to it formally. They carried out a consultation from 13 - 21 December 2010 and 11 responses were received, ten from different organisations and one from an interested individual. .

#### **5. Equality Impact**

- 5.1. A formal consultation exercise was not undertaken because the measure was announced in the June Emergency Budget, and there was little scope to influence the overall outcome. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on these legislative proposals and has concluded that the proposals do not have significant implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

#### **6. Regulatory Impact**

- 6.1. These Regulations do not require a Regulatory Impact Assessment as they do not impose any additional costs or savings on business, charities or voluntary bodies.

## **7. Financial Implications**

- 7.1. The amount of expenditure on Sure Start Maternity Grants for 2009/10 was £5.02 million distributing 9904 awards, the estimated savings of this measure are around £1.875 million per year from 2011-12.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Department has also considered its obligations under section 24 of the Northern Ireland Act 1998. It is the Department's judgement that the Social Fund Maternity and Funeral Expenses (General) (Amendment) Regulations (Northern Ireland) 2011 are not incompatible with the Convention rights, are not incompatible with Community law, do not discriminate against any person or class of person on the ground of religious belief or political opinion and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. Not applicable.

## **10. Parity or Replicatory Measure**

- 10.1. The Regulations mirror the Great Britain Regulations and are in keeping with the principle of parity between Northern Ireland and Great Britain in social security matters.

## **11. Additional Information**

- 11.1. These Regulations breach the 21 day rule. The Department apologises to the Committee for this. The reason is because of the time taken for complex policy considerations and the necessity that the Regulations must come into operation on 23rd March 2011 (as described in paragraph 2.2).