

EXPLANATORY MEMORANDUM TO
The Social Fund Maternity and Funeral Expenses (General) (Amendment)
Regulations (Northern Ireland)
2012

SR 2012 No.292

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 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”).
- 2.2. These regulations amend the principal Regulations by substituting a new regulation 5A which sets out entitlement to a Sure Start Maternity Grant where another member of the claimants family is under the age of 16.

3. Background

- 3.1. The purpose of the Sure Start Maternity Grant is to help people on certain income-related benefits or tax credits with the expenses associated with a new baby.
- 3.2. The claimant or partner must receive advice from a health professional on child health and welfare (unless the claim is made after a still-birth) and, where the claim is made in advance of the birth, maternal health.
- 3.3. Claims can be made at any time from eleven weeks before the week in which the baby is due until three months after the date of birth; up to three months after the date of the adoption, parental or residence order; up to three months after guardianship takes effect; or up to three months after the child is placed for adoption.
- 3.4. The Sure Start Maternity Grant is £500 for each child expected, born, placed for adoption or the subject of a residence order, a parental order, adoption or guardianship. However since April 2011 if there are other children in the family under the age of 16 a Sure Start Maternity Grant is not payable unless: a) they are the only children under 16 and are born as a result of a multiple birth; or specified orders are granted (or there are specified analogous arrangements) in respect of babies born as a result of a multiple birth. In those cases a Sure Start Maternity Grant will be payable for each child; or b) the child’s mother is herself under the age of 20, is a dependant member of the claimant’s family and she has no other child (unless the child is one of a multiple birth). Her parents or guardians can

claim a Sure Start Maternity Grant if they are in receipt of a qualifying benefit.

- 3.5. This amendment will allow for payment of a Sure Start Maternity Grant for the children of subsequent multiple births where there is already a child under 16 in the family (and this also applies if there are children in the household in respect of whom specified orders or analogous arrangements are in place). In addition dependants who are under the age of 20 who already have a child under 16 can receive a Sure Start Maternity Grant for the children of a subsequent multiple birth.

4. Consultation

- 4.1. The Social Security Advisory Committee was consulted on the Great Britain proposals and the Committee decided in July 2012 that these regulations should not be referred to it formally.

5. Equality Impact

- 5.1. A formal consultation exercise was not undertaken because these proposals will apply to all customer groups irrespective of race, disability, gender, age, sexual orientation, religion or belief. In addition, there is no evidence to suggest that there will be an indirect impact upon any particular group.

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. Funding of £126,000 for 2012/13 and £230,000 for 2013/14 and 2014/15 has been secured for this change in Great Britain.

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) 2012 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 principal of parity between Northern Ireland and Great Britain in social security matters.

11. Additional Information

- 11.1. None