
STATUTORY INSTRUMENTS

1999 No. 3266

SOCIAL SECURITY

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

Made - - - - *8th December 1999*
Laid before Parliament *14th December 1999*
Coming into force - - *4th January 2000*

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 138(1)(a) and (4) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽²⁾, 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 1999 and shall come into force on 4th January 2000.

(2) In these Regulations, “the principal Regulations” means the Social Fund Maternity and Funeral Expenses (General) Regulations 1987⁽³⁾.

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

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

(3) In regulation 7⁽⁵⁾ (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. 4; section 138(4) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
(2) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).
(3) S.I. 1987/481.
(4) Regulation 4(4) was added by S.I. 1997/2538; sub-paragraph (b) was amended by S.I. 1999/3178.
(5) Regulation 7 was substituted by S.I. 1997/792.

- (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 the words “aged less than 19” there shall be substituted the words “has attained the age of 18 but not the age of 19”;
- (c) in paragraph (7)—
 - (i) in sub-paragraph (a), for the words “was a child”, there shall be substituted the words “had not attained the age of 18”;
 - (ii) in sub-paragraph (b), for the words “a child” there shall be substituted the words “a person who had not attained the age of 18”.
- (4) In regulation 7A(2)(6) (amount of funeral payment)—
 - (a) for head (ii) in sub-paragraph (a) there shall be substituted the following head—
 - “(ii) the fees levied in respect of a burial by the authority or 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) for head (i) in sub-paragraph (b) there shall be substituted the following heads—
 - “(i) the fees levied in respect of a cremation by the authority or 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 7 and 7A of the principal Regulations shall apply in respect of that claim as if regulation 2(3) and (4) of these Regulations had not been made.

Signed by authority of the Secretary of State for Social Security.

8th December 1999

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Fund Maternity and Funeral Expenses (General) Regulations 1987 (S.I.1987/481).

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 do not impose any charge on business.