

**2017 No. 271**

**SOCIAL SECURITY**

**The Social Fund (Amendment) Regulations 2017**

<i>Made</i> - - - -	<i>6th March 2017</i>
<i>Laid before Parliament</i>	<i>9th March 2017</i>
<i>Coming into force</i> - -	<i>6th April 2017</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 138(1)(a), (2) and (4) and 175(1), (3) and (5) of the Social Security Contributions and Benefits Act 1992(a).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(b).

**Citation and commencement**

- 1.—(1) These Regulations may be cited as the Social Fund (Amendment) Regulations 2017.
- (2) They come into force on 6th April 2017.

**Amendments to the Social Fund Cold Weather Payments (General) Regulations 1988**

2. In regulation 1A of the Social Fund Cold Weather Payments (General) Regulations 1988 (prescribed description of persons)(c), for paragraph (3)(d) substitute—

“(d) P’s child tax credit includes a disability element within the meaning of section 9(3) of the Tax Credits Act 2002;”.

**Amendments to the Social Fund Maternity and Funeral Expenses (General) Regulations 2005**

3.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005(d) are amended as follows.

- (2) In regulation 3(1) (interpretation), omit the definition of “family element”.
- (3) In regulations 5(2)(e) (entitlement to Sure Start Maternity Grant)(e), 6(1)(b)(ii) (award of Sure Start Maternity Grant to persons affected by a trade dispute) and 7(4)(a)(v)(f) (entitlement to

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(a) 1992 c. 4. Section 138(4) is cited for the meaning of “prescribed”.  
(b) Section 173(1)(b) of the Social Security Administration Act 1992 (c. 5) provides that proposals in respect of regulations are not required to be referred to the Social Security Advisory Committee where the Committee agrees. Proposals in respect of these Regulations would otherwise be referable to the Committee by virtue of sections 170 and 172 of that Act.  
(c) S.I. 1988/1724. Regulation 1A was inserted by S.I. 1991/2448 and substituted by S.I. 2010/2442. Paragraph 3 of that regulation was amended by S.I. 2013/248.  
(d) S.I. 2005/3061.  
(e) Regulation 5 was substituted by S.I. 2010/2760. Paragraph 2 of that regulation was amended by S.I. 2013/247.  
(f) Paragraph 4 of regulation 7 was amended by S.I. 2008/1554 and S.I. 2013/247.

funeral payment), for “payable at a rate higher than the family element” substitute “which includes an individual element or a disability element referred to in section 9(3) of the Tax Credits Act 2002”.

Signed by authority of the Secretary of State for Work and Pensions

6th March 2017

*Caroline Nokes*  
Parliamentary Under - Secretary of State,  
Department for Work and Pensions

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make consequential amendments to the Social Fund Cold Weather Payments (General) Regulations 1988 (S.I. 1988/1724) and the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 (S.I. 2005/3061) to take account of changes made by the Welfare Reform and Work Act 2016 (c. 7) to child tax credit legislation set out in the Tax Credits Act 2002 (c. 21).

Regulation 2 substitutes regulation 1A(3)(d) of the Social Fund Cold Weather Payments (General) Regulations 1988 to provide that where a person is in receipt of a specified benefit and has been awarded child tax credit, that person will only qualify for a cold weather payment by virtue of that child tax credit where the child tax credit contains a disability element.

Regulation 3 amends the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 to ensure that, provided other specified conditions are also met, a claimant will be entitled to a Sure Start Maternity Grant or a funeral payment where the claimant (or the claimant’s partner) has been awarded child tax credit which includes an individual element or a disability element.

A full impact assessment has not been published for this instrument as no impact on the private sector or civil society organisations is foreseen.

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