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STATUTORY INSTRUMENTS

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**2019 No. 1060**

**The Social Security (Scotland) Act 2018 (Funeral  
Expense Assistance and Early Years Assistance)  
(Consequential Modifications and Savings) Order 2019**

**PART 2**

Amendments and savings in relation to funeral payments

**Interpretation**

**2.** In this Part:

- (a) the “2005 Regulations” means the Social Fund Maternity and Funeral Expenses (General) Regulations 2005(1);
- (b) the “Northern Ireland Regulations” means the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(2).

**Amendment of the 2005 Regulations**

**3.—(1)** The 2005 Regulations are amended as follows.

(2) In regulation 4 (provision against double payment: funeral payments), in paragraph (1), after “such a payment”, insert “, or an award of funeral expense assistance given in accordance with regulations made under section 34 of the Social Security (Scotland) Act 2018,”.

(3) In the heading of Part 3, after “expenses”, insert “in England and Wales”.

(4) In regulation 7 (funeral payments: entitlement):

(a) in paragraph (2), for “(9)” substitute “(9A)”;

(b) after paragraph (9), insert—

“(9A) The seventh condition is that the claimant lives in England and Wales.”.

**Saving in relation to the amendments of the 2005 Regulations**

**4.—(1)** The amendments made to the 2005 Regulations in article 3 are of no effect in relation to a claim for a funeral payment made before the date on which the first Regulations made under section 34 of the Social Security (Scotland) Act 2018 come into force.

(2) In paragraph (1), “funeral payment” has the meaning given in regulation 7(1)(a) of the 2005 Regulations.

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(1) [S.I. 2005/3061](#); relevant amending instrument is [S.I. 2010/2760](#).

(2) [S.R. 2005 No. 506](#); relevant amending instrument is [S.R. 2010 No. 378](#).

### **Amendment of the Northern Ireland Regulations**

5.—(1) The Northern Ireland Regulations are amended as follows.

(2) In regulation 4 (provision against double payment: funeral payments), in paragraph (1), after “such a payment”, insert, “, or an award of funeral expense assistance given in accordance with regulations made under section 34 of the Social Security (Scotland) Act 2018,”.

(3) In regulation 7 (funeral payments: entitlement):

(a) in paragraph 2, for “(9)” substitute “(9A)”;

(b) after paragraph (9), insert—

“(9A) The seventh condition is that the claimant lives in Northern Ireland”.

### **Saving in relation to the amendments of the Northern Ireland Regulations**

6.—(1) The amendments made to the Northern Ireland Regulations in article 5 are of no effect in relation to a claim for a funeral payment made before the date on which the first Regulations made under section 34 of the Social Security (Scotland) Act 2018 come into force.

(2) In paragraph (1), “funeral payment” has the meaning given in regulation 7(1)(a) of the Northern Ireland Regulations.