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## EXPLANATORY NOTE

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

These Regulations amend the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 (S.I. 2005/3061), the Social Fund Cold Weather Payments (General) Regulations 1988 (S.I. 1988/1724) and the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968).

Regulation 1 specifies that with the exception of regulation 2, the instrument extends to England and Wales and Scotland. Regulation 2 extends to England and Wales only because funeral payments have become a devolved matter for Scotland in accordance with the changes made by the Scotland Act 2016.

Regulation 2 substitutes “or” with “and” in regulation 9(3)(a)(ii) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 to clarify that claims may be made for both the fees levied for the provision and maintenance of the place where the burial takes place, and the fees levied by a private grave digger.

Regulation 3 substitutes the definition of the word “station” with the definition of the word “site” in the Social Fund Cold Weather Payments (General) Regulations 1988. It also substitutes the word “station” with the word “site” wherever it occurs in those Regulations. This is so the Regulations reflect the manner in which the Met Office are predicting temperatures.

Regulation 4 amends the Social Security (Claims and Payments) Regulations 1987. Paragraph (2) amends regulation 4ZC to allow electronic claims to be made for social fund funeral payments, a social fund payment in respect of maternity expenses, and maternity allowance.

Paragraph (3) amends regulation 30(4B). Where a State Pension or State Pension Credit claimant dies, any outstanding payments of those benefits can be made to relatives or other qualifying people. A written application had to be made by that person (except where they were the spouse or civil partner of the claimant). This amendment enables the outstanding payments to be made to any person who qualifies without them having to make a written application.

Paragraph (4) amends regulation 32ZA(2) to allow for a person to give notice or evidence by electronic communication for a social fund payment in respect of maternity expenses and maternity allowance.

Paragraph (5) amends Schedule 9ZC to allow for electronic communications in claims of a social fund payment in respect of maternity expenses and maternity allowance.

The use of electronic communication by claimants must be in accordance with a direction of the Secretary of State. The direction will be deposited in the libraries of both Houses of Parliament and will be available online at:

<https://www.gov.uk/government/publications/the-social-security-electronic-communications-directions>

Hard copies can be obtained by writing to the Legislation Team, the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.