

2023 No. 545

SOCIAL SECURITY

**The Social Fund Maternity and Funeral Expenses (General) and
Social Security (Claims and Payments) (Amendment)
Regulations 2023**

<i>Made</i> - - - -	<i>16th May 2023</i>
<i>Laid before Parliament</i>	<i>18th May 2023</i>
<i>Coming into force</i> - -	<i>8th June 2023</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 138(1)(a) and 175(3) and (5) of the Social Security Contributions and Benefits Act 1992(a) and sections 5(1)(a) and 189(4) of the Social Security Administration Act 1992(b) (“the Administration Act”).

In accordance with section 173(1)(b) of the Administration Act, the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Social Fund Maternity and Funeral Expenses (General) and Social Security (Claims and Payments) (Amendment) Regulations 2023.

(2) These Regulations come into force on 8th June 2023.

(3) These Regulations extend to England and Wales and Scotland.

(4) These Regulations apply to England and Wales.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2. After regulation 19(7) of the Social Security (Claims and Payments) Regulations 1987(c) (time for claiming benefit) insert—

“(7A) Where—

(a) a claim for a social fund payment in respect of maternity expenses (a “relevant social fund payment”) is made by a person to whom paragraph (7B) or (7C) applies; and

(b) both of the conditions in paragraph (7D) are met,

(a) 1992 c. 4. See section 138(4) for the meaning of “prescribed”. There are amendments to section 175(5) which are not relevant to these Regulations.

(b) 1992 c. 5.

(c) S.I. 1987/1968. There are amending instruments but none are relevant.

sub-paragraphs (a) to (f) of the entry in column (2) of Schedule 4 relating to the relevant social fund payment each have effect as if at the end there were added “or, if later, 8th December 2023”.

(7B) This paragraph applies to a person who—

- (a) is granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971(a) (“the 1971 Act”) where such leave is granted by virtue of—
 - (i) Appendix Afghan Relocations and Assistance Policy of those rules(b); or
 - (ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme)(c); or
- (b) does not come within sub-paragraph (a) and who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021.

(7C) This paragraph applies to a person who was residing in Ukraine immediately before 1st January 2022, who left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and who—

- (a) has a right of abode in the United Kingdom within the meaning given in section 2 of the 1971 Act(d);
- (b) has been granted leave in accordance with immigration rules made under section 3(2) of the 1971 Act;
- (c) has been granted, or is deemed to have been granted, leave outside those rules; or
- (d) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of the 1971 Act(e).

(7D) The conditions for the purposes of paragraph (7A)(b) are that—

- (a) at the date of the claim for a relevant social fund payment, there is an existing member of the family (within the meaning given in regulation 5A of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005); and
- (b) that existing member of the family is under the age of 16 on that date.”.

Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005

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

(2) In regulation 5 (entitlement to Sure Start Maternity Grant)—

- (a) omit paragraph (4);
- (b) in paragraph (5), for “fourth” substitute “third”;
- (c) in paragraph (6), for “fifth” substitute “fourth”.

(3) At the end of regulation 5A (entitlement to Sure Start Maternity Grant where another member of the claimant’s family is under the age of 16)(g) insert—

“(8) A Sure Start Maternity Grant shall be awarded if—

(a) 1971 c. 77.

(b) <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix/afghan-relocations-and-assistance-policy-arap>. That Appendix was added to those rules by the Statement of Changes in the Immigration Rules laid before Parliament on 18th October 2022 (HC 719). A hard copy may be obtained from the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA.

(c) <https://www.gov.uk/government/publications/afghanistan-locally-employed-staff-ex-gratia-scheme>. A hard copy may be obtained from the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA.

(d) Section 2 is substituted by section 39(2) of the British Nationality Act 1981 (c. 61).

(e) Section 3ZA is inserted by section 2(2) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20).

(f) S.I. 2005/3061. Relevant amending instruments are S.I. 2012/1814 and 2018/1138.

(g) Regulation 5A is inserted by S.I. 2012/1814.

- (a) at the date of claim, any existing member of the family is under the age of 16;
 - (b) the claimant is a person to whom paragraph (9) or (10) applies;
 - (c) no Sure Start Maternity Grant has been awarded to the claimant—
 - (i) where the claimant is a person to whom paragraph (9) applies, on or after 15th August 2021;
 - (ii) where the claimant is a person to whom paragraph (10) applies, on or after 24th February 2022; and
 - (d) the other conditions for entitlement to the grant are satisfied.
- (9) This paragraph applies where the claimant is—
- (a) a person who is granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971 (“the 1971 Act”) by virtue of—
 - (i) Appendix Afghan Relocations and Assistance Policy of those rules; or
 - (ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme); or
 - (b) a person in Great Britain not coming within sub-paragraph (a) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021.
- (10) This paragraph applies where the claimant is a person who was residing in Ukraine immediately before 1st January 2022, who left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and who —
- (a) has a right of abode in the United Kingdom within the meaning given in section 2 of the 1971 Act;
 - (b) has been granted leave in accordance with immigration rules made under section 3(2) of the 1971 Act;
 - (c) has been granted, or is deemed to have been granted, leave outside those rules; or
 - (d) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of the 1971 Act.”.

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

Laura Trott
Parliamentary Under Secretary of State
Department for Work and Pensions

16th May 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations amends the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1967) to allow certain persons more time for claiming a Sure Start Maternity Grant (“SSMG”). The persons concerned are those who have been given leave to enter or remain in the United Kingdom having left—

- Afghanistan in connection with the fall of the Afghan Government; and
- Ukraine following the Russian invasion of that country,

who have an existing member of their family aged under 16 at the date of claim. Regulation 3(3) makes a related amendment to the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 (S.I. 2005/3061) (“the 2005 Regulations”) to enable such persons to claim an SSMG where there is an existing family member who is under the age of 16.

Regulation 3(2) amends the 2005 Regulations to remove the requirement that a person must have obtained the advice of a healthcare professional before claiming an SSMG.

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

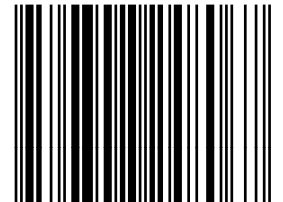
© Crown copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

£4.90

<http://www.legislation.gov.uk/id/uksi/2023/545>

ISBN 978-0-34-824806-7



9 780348 248067