

1990 No. 132

SOCIAL SECURITY

**The Social Fund (Miscellaneous Amendments)
Regulations (Northern Ireland) 1990**

Made 28th March 1990

Coming into operation 9th April 1990

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 33(2)(a) and (2A) and 35(1)(a) and (3) of the Social Security (Northern Ireland) Order 1986(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Fund (Miscellaneous Amendments) Regulations (Northern Ireland) 1990 and shall come into operation on 9th April 1990.

(2) In these regulations—

“the Application for Review Regulations” means the Social Fund (Application for Review) Regulations (Northern Ireland) 1988(b);

“the Cold Weather Payments Regulations” means the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988(c);

“the Maternity and Funeral Expenses Regulations” means the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(d).

Amendment of the Application for Review Regulations

2. In regulation 2 of the Application for Review Regulations (manner of making application for review or further review and time limits) for paragraph (6) there shall be substituted the following paragraph—

“(6) Where an application is to be made on behalf of a person to whom the determination relates, that person shall signify in writing his consent to the application being made on his behalf unless the person

(a) S.I. 1986/1888 (N.I. 18); Article 33(2)(a) was amended by Article 3 of the Social Fund (Maternity and Funeral Expenses) (Northern Ireland) Order 1987 (S.I. 1987/464 (N.I. 8)). Article 33(2A) was inserted by paragraph 1 of Schedule 3 to the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)) and Article 35(1)(a) was repealed in part by Schedule 5 to the Social Security (Northern Ireland) Order 1988. Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the regulation-making powers conferred by this Order; the said section 155(3A) was inserted by Article 63(1)

(b) S.R. 1988 No. 20

(c) S.R. 1988 No. 368; relevant amending regulations are S.R. 1988 No. 393 and S.R. 1989 No. 494

(d) S.R. 1987 No. 150; relevant amending regulations are S.R. 1988 No. 22 and S.R. 1989 No. 71

making the application is a person appointed by the Department under regulation 33(1) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(a) (persons unable to act) to act on behalf of the person to whom the determination relates.”.

Amendment of the Cold Weather Payments Regulations

3.—(1) The Cold Weather Payments Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1—

(a) in paragraph (2) (interpretation) in the appropriate places in alphabetical order there shall be inserted the following definitions—

“ “married couple” means a man and a woman who are married to each other and are members of the same household;

“partner” means one of a married or unmarried couple or a member of a polygamous relationship;

“unmarried couple” means a man and a woman who are not married to each other but are living together as husband and wife.”.

(b) after paragraph (2) there shall be added the following paragraph—

“(3) For the purposes of these regulations, a person shall be treated as a member of a polygamous relationship where, but for the fact that the relationship includes more than 2 persons, he would be one of a married or unmarried couple.”.

(3) In regulation 4 (effect and calculation of capital) for paragraph (1) there shall be substituted the following paragraph—

“(1) Where—

(a) the claimant or his partner is aged 60 or over and the claimant has capital which is in excess of £1,000; or

(b) the claimant is, or if he has a partner both he and his partner are, aged under 60 and the claimant has capital which is in excess of £500,

a payment in respect of a period of cold weather which, but for this regulation, would be payable shall be payable only if, and to the extent that, the amount of the payment is more than the excess.”.

Amendment of the Maternity and Funeral Expenses Regulations

4.—(1) The Maternity and Funeral Expenses Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) in the definition of “child” at the end there shall be added “or a young person within the meaning of regulation 14 of the Income Support (General) Regulations (Northern Ireland) 1987(b)”.

(a) S.R. 1987 No. 465

(b) S.R. 1987 No. 459; relevant amending regulations are S.R. 1990 No. 131

(3) In regulation 4 (entitlement to a maternity payment) for paragraph (2) there shall be substituted the following paragraph—

- “(2) Subject to Part IV, the amount of a maternity payment shall be—
- (a) where the claim is made on or after 9th April 1990 and before the confinement, £100 in respect of each expected child, but if the claim was made on an earlier date but after 11th April 1988, £85 in respect of each expected child;
 - (b) where the claim is made after the confinement, if that confinement has ended on or after 9th April 1990, £100 in respect of each child, including any child who is stillborn, but if the confinement has ended before that date but after 11th April 1988, £85 in respect of each child, including any child who is stillborn;
 - (c) where the claim is made after a child has been adopted and the adoption has taken place on or after 9th April 1990, £100 in respect of that child, but if the adoption has taken place before that date but after 11th April 1988, £85 in respect of that child.”.

(4) In regulation 8 (effect of capital) for paragraph (1) there shall be substituted the following paragraph—

- “(1) Where—
- (a) the claimant or the claimant’s partner is aged 60 or over and the claimant has capital which is in excess of £1,000; or
 - (b) the claimant is, or if he has a partner both he and his partner are, aged under 60 and the claimant has capital which is in excess of £500,

a maternity payment or funeral payment which, but for this regulation, would be payable shall be payable only if, and to the extent that, the amount of the payment is more than the excess.”.

Revocation

5. Regulation 3(2) of the Social Fund (Maternity and Funeral Expenses) (General) (Amendment No. 2) Regulations (Northern Ireland) 1988(a) is hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 28th March 1990.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations—

- (a) amend the Social Fund (Application for Review) Regulations (Northern Ireland) 1988 by not requiring a person's consent in writing to an application where it is made on his behalf by a person appointed by the Department (regulation 2);
- (b) amend the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988 by inserting new definitions (regulation 3(2)) and extending the £1,000 capital limit to those partners of a claimant who are aged 60 or over (regulation 3(3));
- (c) amend the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987 by revising the definition of child to include a young person (regulation 4(2)), by increasing the amount payable for maternity expenses from £85 to £100 (regulation 4(3)) and introducing a capital limit of £1,000 for those aged 60 or over in claims for funeral and maternity expenses (regulation 4(4));
- (d) contain a consequential revocation (regulation 5).

The regulations correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.