

## 1995 No. 190

## SOCIAL SECURITY

**The Social Fund (Maternity and Funeral Expenses) (General) (Amendment) Regulations (Northern Ireland) 1995**

*Made* . . . . . 12th May 1995

*Coming into operation* . . . . . 5th June 1995

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 134(1)(a) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(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 (Maternity and Funeral Expenses) (General) (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 5th June 1995.

(2) In these Regulations “the principal Regulations” means the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(b).

(3) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

*Amendment of regulation 2 of the principal Regulations*

2. In regulation 2(1) of the principal Regulations (interpretation)—

(a) for the definition of “close relative”(d) there shall be substituted the following definition—

“ “close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-son-in-law, step-daughter, step-daughter-in-law, brother, brother-in-law, sister or sister-in-law;”, and

(b) for the definition of “partner” there shall be substituted the following definition—

“ “partner” means where a person—

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(a) 1992 c. 7

(b) S.R. 1987 No. 150; relevant amending regulations are S.R. 1988 Nos. 6 and 22, S.R. 1989 No. 71, S.R. 1990 No. 132, S.R. 1992 No. 6, S.R. 1993 No. 99 and S.R. 1994 No. 68

(c) 1954 c. 33 (N.I.)

(d) Definition inserted by regulation 2 of S.R. 1994 No. 68

- (a) is a member of a married or unmarried couple, the other member of that couple;
- (b) is married polygamously to 2 or more members of his household, any such member;”.

*Amendment of regulation 6 of the principal Regulations*

3.—(1) Regulation 6 of the principal Regulations(a) (entitlement to a funeral payment) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)—

- (a) for “Subject to regulation 7” there shall be substituted “Subject to paragraphs (1A) and (1B) and regulation 7”, and
- (b) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) the claimant or his partner (in this Part referred to as “the responsible person”) accepts responsibility for those expenses and—

- (i) the responsible person was the partner of the deceased at the date of death, or
- (ii) in a case where the deceased had no partner the responsible person was either—
  - (aa) a close relative of the deceased, or
  - (bb) a close friend of the deceased,

and it is reasonable for the responsible person to accept responsibility for those expenses; and”.

(3) After paragraph (1) there shall be inserted the following paragraphs—

“(1A) Whether it is reasonable for a person to accept responsibility for meeting the expenses of a funeral shall be determined by the nature and extent of that person’s contact with the deceased.

(1B) In a case where the deceased had one or more close relatives and the responsible person is a person to whom paragraph (1)(b)(ii) applies, if on comparing the nature and extent of any such close relative’s contact with the deceased and the nature and extent of the responsible person’s contact with the deceased, any such close relative was—

- (a) in closer contact with the deceased than the responsible person;
- (b) in equally close contact with the deceased and neither that close relative nor his partner, if he has one, has been awarded a benefit to which paragraph (1)(a) refers; or
- (c) in equally close contact with the deceased and possesses, together with his partner, if he has one, more capital than the responsible person and his partner and that capital exceeds—
  - (i) where the close relative or his partner is aged 60 or over, £1,000, or

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(a) Regulation 6 was amended by S.R. 1988 Nos. 6 and 22, S.R. 1992 No. 6, S.R. 1993 No. 99 and S.R. 1994 No. 68

- (ii) where the close relative and his partner, if he has one, are both aged under 60, £500,

the responsible person shall not be entitled to a funeral payment under these Regulations in respect of those expenses.”.

(4) For paragraph (2) there shall be substituted the following paragraphs—

“(2) Subject to regulation 7 and Part IV, the amount of a funeral payment shall be an amount sufficient to meet any of the costs which fall to be met or have been met by the claimant or his partner or a person acting on their behalf and which are specified in paragraphs (3) and (4).

(3) The funeral director’s fees or, where the person who arranges the funeral is not such a director that person’s costs, which may be met in any case shall include the cost of—

- (a) the collection of the deceased within the United Kingdom and transporting to the funeral director’s premises or to a place of rest over a total distance of up to 50 miles;
- (b) a simple veneered coffin and plain robe;
- (c) the care of the deceased prior to the funeral;
- (d) transport by a vehicle for the coffin and bearers and one additional vehicle, for a total distance of up to 50 miles; and
- (e) necessary funeral director’s services and staff,

but shall not exceed £500 in aggregate in any case.

(4) In addition to the costs specified in paragraph (3), the amount of a funeral payment shall include an amount sufficient to meet—

- (a) in the case of an interment, the necessary costs of a new or re-opened grave and of the interment; or
- (b) in the case of a cremation—
  - (i) the cremation fee, including medical references,
  - (ii) the cost of any necessary registered medical practitioner’s certificates,
  - (iii) the amount of a registered medical practitioner’s fee for the removal of a heart pacemaker; and
- (c) in either case—
  - (i) the cost of necessary documentation,
  - (ii) the fee of a Minister of religion,
  - (iii) any additional expenses arising from a requirement of the religious faith of the deceased, but not in excess of £75,
  - (iv) an organist’s fee,
  - (v) the cost of a floral tribute from the responsible person, but not in excess of £25,
  - (vi) the reasonable expenses of one return journey within the United Kingdom and, where the funeral takes place in the Republic of Ireland, the Republic of Ireland, for the

responsible person either for the arrangement of, or attendance at, the funeral,

- (vii) where the deceased died at home and has to be transported within the United Kingdom in excess of 50 miles to the nearest funeral director's premises or place of rest, the reasonable cost of transport in excess of 50 miles,
- (viii) where the deceased died away from home and has to be transported more than 50 miles within the United Kingdom in being taken to the funeral director's premises or place of rest, the reasonable cost of transport in excess of 50 miles,
- (ix) where the distance for which transport is provided and which is referred to in paragraph (3)(d) is exceeded, the reasonable cost of transport in excess of 50 miles, and
- (x) the cost of embalming the deceased where this is necessary for the purpose of transporting the deceased a distance in excess of 25 miles."

*Amendment of regulation 7 of the principal Regulations*

4. In regulation 7(c) of the principal Regulations(a) (deductions from an award of a funeral payment) for "regulation 6(2)" there shall be substituted "regulation 6(3) and (4)".

*Amendment of regulation 8 of the principal Regulations*

5. In regulation 8(3)(c) of the principal Regulations(b) (effect of capital) for "regulation 6(2)" there shall be substituted "regulation 6(3) and (4)".

*Transitional provision with respect to deaths occurring before 5th June 1995*

6. Where, in respect of a death which occurs before 5th June 1995, a claim is made by the responsible person for funeral expenses from the social fund in respect of a funeral which takes place on or before 5th September 1995, regulations 2 to 5 of these Regulations shall not have effect with respect to that claim.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 12th May 1995.

(L.S.)

W. G. Purdy

Assistant Secretary

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(a) Paragraph (c) was amended by S.R. 1994 No. 68

(b) Paragraph (3) was inserted by S.R. 1989 No. 71

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

These Regulations amend the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987 ("the principal Regulations") by further specifying who may be entitled to a payment from the social fund by way of funeral expenses. They provide for a limit on funeral directors' fees of £500 and also on the costs of a person who is not such a director but who arranges the funeral and specify other expenses for which a funeral payment may be made under the principal Regulations. A transitional provision is made so that the amending provisions shall not have effect for deaths occurring before 5th June 1995 where the funeral takes place on or before 5th September 1995.

These 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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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**1995 No. 191**

**Road Races (Dundrod 150) Order  
(Northern Ireland) 1995**

This Order, being of a temporary character, is not printed at length in this volume.