

2004 No. 408

SOCIAL SECURITY

**The Social Fund (Maternity and Funeral Expenses) (General)
(Amendment) Regulations (Northern Ireland) 2004**

Made - - - - - *28th September 2004*

Coming into operation *25th October 2004*

The Department for Social Development, in exercise of the powers conferred by sections 134(1)(a) and 171(3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and now vested in it(b), 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) 2004 and shall come into operation on 25th October 2004.

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

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

2.—(1) The Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(d) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 6(e) (entitlement) –

(a) in paragraph (4) –

(i) at the end of sub-paragraph (c) the word “or” shall be omitted, and

(ii) after sub-paragraph (d) there shall be added –

“; or

(e) a person ordinarily resident outside the United Kingdom.”; and

(b) for paragraph (7) there shall be substituted the following paragraph –

“(7) Paragraph (6) shall not apply where the close relative who was in closer contact with the deceased than the responsible person or, as the case may be, was in equally close contact with the deceased –

(a) 1992 c.7; section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
(b) See Article 8(b) of S.R. 1999 No. 481
(c) 1954 c. 33 (N.I.)
(d) S.R. 1987 No. 150; relevant amending regulations are S.R. 1997 Nos. 155 and 472, S.R. 1999 No. 499, S.R. 2001 No. 318, S.R. 2002 No. 284 and S.R. 2003 Nos. 117, 191, 195, 264 and 308
(e) Regulation 6 was substituted by regulation 2(5) of S.R. 1997 No. 155 and amended by regulation 5 of S.R. 1997 No. 472, regulation 2(3) of S.R. 1999 No. 499, regulation 2(2) of S.R. 2001 No. 318, regulation 3 of S.R. 2002 No. 284, regulation 25(2) of S.R. 2003 No. 191 and paragraph 2(d) of Schedule 4 to S.R. 2003 No. 195

- (a) was under the age of 18 at the date of death and was the only close relative (apart from any other person who was under the age of 18 at that date) to whom either sub-paragraph (a) or (b) of paragraph (6) applies; or
- (b) is a person ordinarily resident outside the United Kingdom.”.

(3) In regulation 6A(2)(a)(ii)(a) (amount of funeral payment) after “where the burial takes place” there shall be inserted “, or the fees levied by a private grave-digger,”.

(4) This regulation shall apply only in respect of claims for funeral expenses from the social fund where the date of death is on or after 25th October 2004.

Sealed with the Official Seal of the Department for Social Development on 28th September 2004.

(L.S.)

John O'Neill

A senior officer of the Department for Social Development

(a) Regulations 6 and 6A were substituted for regulation 6 by regulation 2(5) of S.R. 1997 No. 155; regulation 6A was amended by regulation 6 of S.R. 1997 No. 472, regulation 2(4) of S.R. 1999 No. 499, regulation 2 of S.R. 2003 No. 117, regulation 2 of S.R. 2003 No. 264 and regulation 2 of S.R. 2003 No. 308

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987 in so far as those Regulations relate to claims for payment of funeral expenses.

Regulation 2(2) amends regulation 6 so as to disapply the ‘immediate family member’ and ‘nature and extent of contact’ tests in respect of family members ordinarily resident outside the United Kingdom.

Regulation 2(3) amends regulation 6A so as to provide for the payment of fees levied by private contractors in respect of a burial.

Regulation 2(4) provides for the application of the amendments to certain claims.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions 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.

A regulatory impact assessment has not been produced for this rule as it has no impact on the costs of business.

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