

2018 No. 45

SOCIAL SECURITY

**The Social Fund Funeral Expenses (Amendment) Regulations
(Northern Ireland) 2018**

Made - - - - *8th March 2018*

Coming into operation - *2nd April 2018*

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 1(1) and 5 of the Social Security Administration (Northern Ireland) Act 1992(a) and sections 134(1)(a) and 171(1), and (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b), and now vested in it(c).

Citation and Commencement

1. These Regulations may be cited as the Social Fund Funeral Expenses (Amendment) Regulations (Northern Ireland) 2018 and come into operation on 2nd April 2018.

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(d) are amended as follows.

(2) In regulation 2(1) (interpretation)(e), after the definition of “shared additional pension” insert—

““social fund funeral payment” means a funeral payment within the meaning of regulation 7(1) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(f);”.

(3) In regulation 32ZA(2) (information given electronically)(g) after sub-paragraph (g) insert—
“; (ga) a social fund funeral payment.”.

(4) In Schedule 4 (prescribed times for claiming benefit), in the entry in column 2 relating to paragraph 9 (social fund payment in respect of funeral expenses)(h) for “3 months” substitute “6 months”.

(a) 1992 c. 8; to which there are amendments not relevant to these Regulations
(b) 1992 c. 7; section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(c) See Article 8(b) of S.R. 1999 No. 481 and Section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(d) S.R. 1987 No. 465
(e) The definition of “shared additional pension” was inserted into regulation 2 by S.R. 2005 No. 299 and was amended by regulation 9(2)(c) of S.R. 2015 No. 411
(f) S.R. 2005 No. 506
(g) Regulation 32ZA was inserted by regulation 2(3) of S.R. 2011 No. 298 to which there are amendments not relevant to these Regulations
(h) Paragraph 9 was amended by regulation 2(6) of S.R. 1996 No. 432

(5) In Schedule 8D(a), in paragraph 2(1) (conditions for the use of electronic communication) after “income support” insert “, a social fund funeral payment.”.

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

3. The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 are amended in accordance with regulations 4 to 7.

Definition of funeral

4. In regulation 2 (interpretation) omit the definition of “funeral”.

Responsible person: residence in care home

5.—(1) In regulation 8(2) (funeral payments: supplementary)(b) after sub-paragraph (f) insert—
“(ff) a person resident in a care establishment within the meaning of regulation 2(3), whose accommodation and care costs are met in whole or in part by a Health and Social Care trust;”.

(2) In this regulation “Health and Social Care trust” means a body as established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(c).

Amount of funeral payment

6. In regulation 9 (amount of funeral payment)—

(a) for paragraph (3)(a)(i) substitute—

“(i) the necessary costs of obtaining a new burial plot for the deceased and a right of burial in that plot, whether or not that right is exclusive”;

(b) omit paragraphs (3)(b)(ii) and (iii);

(c) after paragraph (3)(b) insert—

“(ba) the cost of obtaining any medical reference, report or other documentation required in connection with the disposal of the body of the deceased, whether by burial, cremation or otherwise;”;

(d) in paragraph (8) for “with an exclusive right of burial” substitute “with a right of burial in that plot, whether or not that right is exclusive”.

Deductions from funeral payments

7. In regulation 10 (deductions from an award of a funeral payment) omit paragraphs (1)(c), (2) and (3)(d).

Sealed with the Official Seal of the Department for Communities on 8th March 2018

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

(a) Schedule 8D was inserted by regulation 2(4) of S.R. 2006 No. 203
(b) Regulation 8(2) was amended by regulation 6 of S.R. 2006 No. 97 and regulation 33(5) of S.R. 2016 No. 236
(c) S.I. 1991/194 (N.I.1); Article 10 was amended by section 1 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.))
(d) Paragraphs (2) and (3) were amended by regulation 7 of S.R. 2005 No. 550, regulation 7 of S.R. 2010 No. 69, regulation 18 of S.R. 2011 No. 357 and regulation 5 of S.R. 2017 No. 205

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions governing the making of funeral payments from the Social Fund.

Regulation 2 amends the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 465) to permit electronic submission of evidence in connection with claims for social fund funeral payments and to extend the period in which claims can be made from 3 months to 6 months after the date of the funeral.

Regulations 4 to 7 amend the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 506).

Regulation 4 removes the definition of “funeral” from the regulations.

Regulation 5 adds residents of care establishments who are supported by Health and Social Care trusts to the list of persons who are not taken into account in determining whether a claimant is responsible for funeral costs.

Regulation 6 clarifies that costs can be claimed in respect of any new burial plot, irrespective of whether that involves an exclusive right to the plot and allows for any costs relating to death certification to be awarded.

Regulation 7 removes the provision allowing for the deduction from funeral payments of contributions received from charitable funds or certain relatives.

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£4.25

NI201803081033 03/2018 19585

<http://www.legislation.gov.uk/id/nisr/2018/45>

ISBN 978-0-33-800910-4



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