

**2020 No. 148**

**SOCIAL SECURITY**

**The Social Fund and Social Security (Claims and Payments)  
(Amendment) Regulations (Northern Ireland) 2020**

*Made* - - - - *21st July 2020*

*Coming into operation* - *22nd July 2020*

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 134(1)(a) and (2) and 171(1), (3), (4) and (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), and sections 1(1), 5(1)(a), (j), and (r) and 165(1), (4) and (5), of the Social Security Administration (Northern Ireland) Act 1992(b) and now vested in it(c).

**Citation and commencement**

1. These Regulations may be cited as the Social Fund and Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 2020 and shall come into operation on 22nd July 2020.

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

2. In regulation 9(3)(a)(ii) (amount of funeral payment) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(d) after “where the burial takes place,” for “or” substitute “and”.

**Amendment to the Social Fund Cold Weather Payments (General) Regulations**

3.—(1) The Social Fund Cold Weather Payments (General) Regulations (Northern Ireland) 1988(e) are amended as follows.

(2) In paragraph 2 of regulation 1 (citation, commencement and interpretation)—

(a) in the definition of “mean daily temperature” for “station” substitute “site”;

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(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)) and amended by Article 77 and Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)). Section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21) and paragraph 5 was amended by Schedule 2 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1889 (N.I. 12))

(b) 1992 c. 8; section 1(C) was inserted by Article 18 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)). Section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/971) and section 18(5) of the National Insurance Contributions Act 2014 (c. 7) and paragraph (5A) was inserted by Article 108(1) of the Welfare Reform (Northern Ireland) Order 2015

(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. 2005 No. 506

(e) S.R. 1988 No. 368

(b) for the definition of “station”(a) substitute—

““site” means a site accredited by the Met Office in relation to which a period of cold weather may be forecasted or recorded for the purposes of these Regulations;”.

(3) In paragraphs (1), (1A), (1B), (2), and (7) of regulation 2(b) (prescribed circumstances) for all occurrences of “station” substitute “site” wherever it occurs.

(4) In the heading of regulation 2A(c) (designation of primary and secondary stations) for “stations” substitute “sites”.

(5) In regulation 2A for “station” substitute “site” in both places it occurs.

(6) In regulation 2C(6) (review and variation of designations) for “station” substitute “site”.

#### **Amendment of the Social Security (Claims and Payments) Regulations**

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

(2) In regulation 30(4B)(e)(payments on death)—

(a) in sub-paragraph (a) at the end insert “and”; and

(b) omit sub-paragraphs (c) and (d).

Sealed with the Official Seal of the Department for Communities on 21st July 2020

(L.S.)

*Anne McCleary*

A senior officer of the Department for Communities

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(a) The definition of “station” was substituted by regulation 2(c) of S.R. 1996 No.488 and amended by regulation 2(2)(b) of S.R. 2017 No. 55

(b) Regulation 2 was substituted by regulation 3 of S.R. 1991 No. 464. Paragraph (1) was amended by regulation 3(c) of S.R. 1991 No. 487, regulation 4(3) of S.R. 1996 No. 488, regulation 2(2)(c) of S.R. 1997 No. 437, regulation 3(b) of S.R. 2005 No. 447, regulation 2(4)(a) of S.R. 2010 No. 344 and regulation 2(4)(a) and (b) of S.R. 2017 No. 55. Paragraph (1A) was substituted by regulation 2(4)(c) of S.R. 2017 No. 55, Paragraph (1B) was substituted by regulation 2(4)(d) of S.R. 2017 No. 55. Paragraph (2) was substituted by regulation 2(4)(e) of S.R. 2017 No. 55 and paragraph (7) was substituted by regulation 2(4)(f) of S.R. 2017 No. 55

(c) Regulation 2A was inserted by regulation 2(5) of S.R. 2017 No.55

(d) S.R. 1987 No. 465

(e) Regulation 30(4B) was inserted by regulation 2(5)(b) of S.R. 2007 No. 392 and amended by regulation 9(14) of S.R. 2015 No. 411

## EXPLANATORY NOTE

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

These Regulations amend the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 (SR. 2005 No. 506), the Social Fund Cold Weather Payments Regulations (Northern Ireland) 1988 (S.R. 1988 No. 368) and the Claims and Payments Regulations (Northern Ireland) 1987 (S.R. 1987 No. 465)

Regulation 2 substitutes “or” for “and” in regulation 9(3)(a)(ii) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 to clarify that claims may be made for both the fees levied for the provision and maintenance of the place where the burial takes place, and the fees levied by a private grave digger.

Regulation 3 substitutes the definition of “station” for the definition of “site” in the Social Fund Cold Weather Payments Regulations (Northern Ireland) 1988. It also substitutes “station” for “site” in all occurrences in those Regulations. This is so the regulations reflect the manner in which the Met Office are predicting temperatures.

Regulation 4 amends regulation 30(4B) of the Claims and Payments Regulations (Northern Ireland) 1987, so that where a State Pension or State Pension Credit claimant dies, any outstanding payments of those benefits can be made to relatives or other qualifying people. A written application has to be made by that person (except where they were the spouse or civil partner of the claimant). This amendment enables the outstanding payments to be made to any person who qualifies without them having to make a written application.

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.

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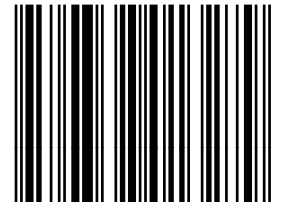
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