

2022 No. 179

SOCIAL SECURITY

**The Social Fund (Child Funeral Fund) (No. 2) Regulations
(Northern Ireland) 2022**

Made - - - - *31st May 2022*

Coming into operation - *1st June 2022*

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 134(1)(a) and (4), 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and sections 1(1) and 1(C), 5(1)(j), (k) and 1(A) 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 (Child Funeral Fund) (No. 2) Regulations (Northern Ireland) 2022 and shall come into operation on 1st June 2022.

Interpretation

2. In these Regulations—

“claimant” means the person responsible for the fees and expenses chargeable in the organisation of the funeral of the deceased where the entitlement requirements in regulation 3 have been met;

“Child Funeral Fund payment” means a one-off lump sum payment of £3056.00;

“funeral” includes erecting a memorial where there is no body; and

“qualifying age” means an age less than 18 years old”.

Entitlement

3.—(1) A claimant is entitled to a Child Funeral Fund payment where—

(a) the deceased was—

(i) of qualifying age at the time of death; or

(a) 1992 c. 7; section 134(1)(a) was amended by Part 7 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21) S.I. 1995/2705 (N.I. 15)

(b) 1992 c. 8 section 5(1A) was inserted by Article 104(3) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)), section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer if Functions etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 18(5) of the National Insurance Contributions Act 2014 (c. 7)

(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.))

- (ii) a still-born child as defined in regulation 2(1) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005^(a) or born after the 24th week of gestation;
- (b) the funeral takes place on or after 1st June 2022;
- (c) the claim is made within the prescribed time of six months from the date of the funeral;
- (d) were it not for these Regulations those fees or expenses would be chargeable to a person involved in the organisation of the funeral; and
- (e) the service or ceremony takes place in Northern Ireland.

(2) A claimant’s entitlement to a Child Funeral Fund payment is not prevented where burial or cremation, or in a case where there is no body, the erection of a memorial, takes place in the United Kingdom or Republic of Ireland provided—

- (a) any service or ceremony takes place in Northern Ireland; and
- (b) the conditions in paragraph (1)(a) – (d) are met.

Provisions against double payment

4. No payment may be made under these Regulations if—

- (a) a payment has been made in respect of funeral expenses arising from the death of the same person under the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005;
- (b) a payment has been made in respect of funeral expenses arising from the death of the same person under Regulations made under section 34 of the Social Security (Scotland) Act 2018^(b); or
- (c) a payment has been made in respect of funeral expenses arising from the death of the same person under the Social Fund (Children’s Funeral Fund for England) Regulations 2019^(c).

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

5.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 are amended in accordance with paragraph (2).

(2) After regulation 4(2) (provision against double payment: funeral expenses) insert—

“(3) No funeral payment may be made under these Regulations for an item or service for which payment has been received under the Social Fund (Child Funeral Fund) (No. 2) Regulations (Northern Ireland) 2022”.

Amendment of the Social Security (Claims and Payments) Regulations

6.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987^(d) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation), in the definition of “social fund funeral payment”^(e) after “Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005” insert, “including social fund payments made under the Social Fund (Child Funeral Fund) (No. 2) Regulations (Northern Ireland) 2022”.

(a) S.R. 2005 No. 506

(b) 2018 asp 9

(c) S.R. 2019 No. 1064

(d) S.R. 1987 No. 465

(e) The Definition of “Social Fund Funeral Payment” was inserted by regulation 2(2)(c) of S.R. 2005 No. 299

Revocation

7. The Social Fund (Child Funeral Fund) Regulations (Northern Ireland) 2022^(a) are revoked.

Sealed with the Official Seal of the Department for Communities on 31st May 2022.

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

^(a) S.R. 2022 No. 165

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish the Child Funeral Fund (CFF) as part of the social fund. The CFF will provide a one-off lump sum payment of £3056.00 towards the funeral costs of children below the age of 18 and still-born children born after 24 weeks' gestation. Payment is non-means tested.

Regulation 1 provides that the Regulations come into operation on 1st June 2022.

Regulation 3 defines the circumstances in which a claimant may be entitled to a payment from the CFF in relation to a funeral. The payment must be in relation to a funeral of a child who had not yet attained the age of 18, or was still-born after the 24th week of gestation, where the funeral takes place in Northern Ireland or the burial or cremation or the erection of a memorial takes place in the United Kingdom or the Republic of Ireland, on or after 1st June 2022.

Regulation 4 prohibits payments for which money has been paid out under the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 506) or under regulations made under section 34 of the Social Security (Scotland) Act 2018 (asp 9) or under the Social Fund (Children's Funeral Fund for England) Regulations 2019 (S.R. 2019 No. 1064)

Regulation 5 amends the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 to prevent double payment for which the claimant has already received payment from the CFF.

Regulation 6 amends the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 to amend the definition of "social fund funeral payment" to include those made under the CFF.

Regulation 7 revokes the Social Fund (Child Funeral Fund) Regulations (Northern Ireland) 2022 (S.R. 2022 No. 165)

A regulatory impact assessment has not been produced for these Regulations as they have no impact on the costs of the business.

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