

**2023 No. 86**

**SOCIAL SECURITY**

**The Social Fund Maternity and Funeral Expenses (General) and  
Social Security (Claims and Payments) (Amendment)  
Regulations (Northern Ireland) 2023**

*Made* - - - -

*26th May 2023*

*Coming into operation* -

*8th June 2023*

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

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Fund Maternity and Funeral Expenses (General) and Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 2023 and shall come into operation on 8<sup>th</sup> June 2023.

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

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

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

(2) In regulation 19 (time for claiming benefit), after paragraph (7), insert—

“(7A) Where—

- (a) a claim for a social fund payment in respect of maternity expenses (a “relevant social fund payment”) is made by a person to whom paragraph (7B) or (7C) applies; and
- (b) both of the conditions in paragraph (7D) are met,

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(a) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)).

(b) 1992 c.7; section 134(1)(a) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and amended by Part 7 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)) and see section 134(4) for the meaning of “prescribed”. There are amendments to section 171(5) which are not relevant to these Regulations.

(c) 1992 c. 8.

(d) See Article 8(b) of S.R. 1999 No. 481.

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

(f) S.R.1987 No. 465.

sub-paragraphs (a) to (f) of the entry in column (2) of Schedule 4 relating to the relevant social fund payment each have effect as if at the end there were added “or, if later, 8th December 2023”.

(7B) This paragraph applies to a person who—

- (a) is granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971(a) (“the 1971 Act”) where such leave is granted by virtue of—
  - (i) Appendix Afghan Relocations and Assistance Policy of those rules(b); or
  - (ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme)(c); or
- (b) does not come within sub-paragraph (a) and who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021.

(7C) This paragraph applies to a person who was residing in Ukraine immediately before 1st January 2022, who left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and who—

- (a) has a right of abode in the United Kingdom within the meaning given in section 2 of the 1971 Act(d);
- (b) has been granted leave in accordance with immigration rules made under section 3(2) of the 1971 Act;
- (c) has been granted, or is deemed to have been granted, leave outside those rules; or
- (d) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of the 1971 Act(e).

(7D) The conditions for the purposes of paragraph (7A)(b) are that—

- (a) at the date of the claim for a relevant social fund payment, there is an existing member of the family (within the meaning given in regulation 5A of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005); and
- (b) that existing member of the family is under the age of 16 on that date.”

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

**3.—**(1) The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(f) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 5 (entitlement to Sure Start Maternity Grant)—

- (a) omit paragraph (4);
- (b) in paragraph (5), for “fourth” substitute “third”;
- (c) in paragraph (6), for “fifth” substitute “fourth”.

(3) At the end of regulation 5A (entitlement to Sure Start Maternity Grant where another member of the claimant’s family is under the age of 16)(g) insert—

“(8) A Sure Start Maternity Grant shall be awarded if—

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(a) 1971 c. 77.  
(b) <https://www.gov.uk/government/publications/afghan-relocations-and-assistance-policy>. That Appendix was added to those rules by the Statement of Changes in the Immigration Rules laid before Parliament on 18th October 2022 (HC 719). A hard copy may be obtained from the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA.  
(c) <https://www.gov.uk/government/publications/afghanistan-locally-employed-staff-ex-gratia-scheme> A hard copy may be obtained from the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA.  
(d) Section 2 is substituted by section 39(2) of the British Nationality Act 1981 (c. 61).  
(e) Section 3ZA is inserted by section 2(2) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20).  
(f) S.R. 2005 No. 506.  
(g) Regulation 5A was inserted by regulation 2(4) of S.R. 2011 No. 130 and substituted by regulation 2 of S.R. 2012 No. 292

- (a) at the date of claim, any existing member of the family is under the age of 16;
- (b) the claimant is a person to whom paragraph (9) or (10) applies;
- (c) no Sure Start Maternity Grant has been awarded to the claimant—
  - (i) where the claimant is a person to whom paragraph (9) applies, on or after 15th August 2021;
  - (ii) where the claimant is a person to whom paragraph (10) applies, on or after 24th February 2022; and
- (d) the other conditions for entitlement to the grant are satisfied.

(9) This paragraph applies where the claimant is—

- (a) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971 (“the 1971 Act”) by virtue of—
  - (i) Appendix Afghan Relocations and Assistance Policy of those rules; or
  - (ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme); or
- (b) a person in Northern Ireland not coming within sub-paragraph (a) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021.

(10) This paragraph applies where the claimant is a person who was residing in Ukraine immediately before 1st January 2022, who left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and who —

- (a) has a right of abode in the United Kingdom within the meaning given in section 2 of the 1971 Act;
- (b) has been granted leave in accordance with immigration rules made under section 3(2) of the 1971 Act;
- (c) has been granted, or is deemed to have been granted, leave outside those rules; or
- (d) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of the 1971 Act.”.

Sealed with the Official Seal of the Department for Communities on 26th May 2023.

(L.S.)

*David Tarr*  
A senior officer of the Department for Communities

## EXPLANATORY NOTE

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

Regulation 2 of these Regulations amends the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 465) to allow certain persons more time for claiming a Sure Start Maternity Grant (“SSMG”). The persons concerned are those who have been given leave to enter or remain in the United Kingdom having left—

- Afghanistan in connection with the fall of the Afghan Government; and
- Ukraine following the Russian invasion of that country,

who have an existing member of their family aged under 16 at the date of claim. Regulation 3(3) makes a related amendment to the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 506) (“the 2005 Regulations”) to enable such persons to claim an SSMG where there is an existing family member who is under the age of 16.

Regulation 3(2) amends the 2005 Regulations to remove the requirement that a person must have obtained the advice of a healthcare professional before claiming an SSMG.

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, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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