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STATUTORY INSTRUMENTS

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**1988 No. 36**

**The Social Fund Maternity and Funeral Expenses  
(General) Amendment Regulations 1988**

**Amendment of regulation 9 of the principal Regulations**

**6.** For paragraph (2) of regulation 9 of the principal Regulations (effect of capital) there shall be substituted the following paragraph—

“(2) In calculating the amount of the claimant’s capital for the purposes of paragraph (1)

- (a) any capital possessed by any person whose capital is treated as that of the claimant by virtue of section 22(5) of the Act or the provisions of regulation 23(3) of the Income Support (General) Regulations 1987 (calculation of income and capital) shall be treated as that of the claimant;
- (b) any capital specified in regulation 47 of, and Schedule 10 to, those Regulations (capital disregards) shall be disregarded;
- (c) any sum acquired by the claimant (whether as a loan or otherwise) on the express condition that it is to be used to meet the funeral expenses in respect of which the claim is made shall be disregarded;
- (d) in the case of a claim for a maternity payment or a funeral payment which is made within 12 months of the death of the husband of the claimant, any lump sum payable to that claimant as a widow by virtue of section 24 of the Social Security Act 1975(1) shall be disregarded;
- (e) the amount of any payment out of capital, other than capital disregarded under sub-paragraphs (b) to (d) above, which has already been made towards the funeral expenses (whether the expenses are within the scope of regulation 7(2) or not) shall be added back to that capital as if the payment had not been made.”

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(1) Section 24 was substituted by section 36(1) of the Social Security Act 1986.