
STATUTORY INSTRUMENTS

2005 No. 3061

The Social Fund Maternity and Funeral Expenses (General) Regulations 2005

PART II

PAYMENTS FOR MATERNITY EXPENSES [^{F1}IN ENGLAND AND WALES]

Textual Amendments

- F1** Words in Pt. II heading inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Social Security \(Scotland\) Act 2018 \(Best Start Grants\) \(Consequential Modifications and Saving\) Order 2018 \(S.I. 2018/1138\)](#), **art. 3(3)** (with reg. 4)

Persons to be treated as responsible for children

[^{F2}**4A.**—(1) For the purposes of this Part, subject to paragraph (4), a person (“P”) is to be treated as responsible for a child if paragraph (2) or (3) applies.

(2) This paragraph applies if—

- (a) P is receiving child benefit in respect of the child, unless P is a child in respect of whom another person is receiving child benefit; or
- (b) no one is receiving child benefit in respect of the child but the child usually lives with P.

(3) This paragraph applies where P is receiving child benefit in respect of a child who is in receipt of child benefit in respect of another child in which case P is to be treated as responsible for both children.

(4) P is not to be treated as responsible for a child if the child is—

- (a) being looked after by a local authority within the meaning of section 22 of the Children Act 1989, or section 93 of the Children (Scotland) Act 1995, [^{F3}or section 74 of the Social Services and Well-being (Wales) Act 2014,] unless the child usually lives with P; or
- (b) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court.]

Textual Amendments

- F2** Reg. 4A inserted (24.1.2011) by [Social Fund Maternity Grant Amendment Regulations 2011 \(S.I. 2011/100\)](#), regs. 1(1), **2(2)**
- F3** Words in reg. 4A(4)(a) inserted (3.11.2017) by [The Social Services and Well-being \(Wales\) Act 2014 and the Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Order 2017 \(S.I. 2017/901\)](#), **art. 10**, reg. 1

Entitlement

[^{F4}5.—(1) Subject to [^{F5}regulations 5A and 6], a payment of £500 to meet maternity expenses (referred to in these Regulations as a “Sure Start Maternity Grant”) shall be made in respect of a child or still-born child where the following conditions are satisfied.

(2) The first condition is that the claimant or the claimant’s partner has, in respect of the date of the claim for a Sure Start Maternity Grant, been awarded—

- (a) income support;
- (b) state pension credit;
- (c) an income-based jobseeker’s allowance;
- (d) working tax credit where the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 is included in the award;
- (e) child tax credit [^{F6}which includes an individual element or a disability element referred to in section 9(3) of the Tax Credits Act 2002]; ^{F7} ...
- (f) an income-related employment and support allowance; ^{F8}[^{F9} ...
- (g) universal credit][^{F10}; or
- (h) owner-occupier loan payments and is treated as entitled to a benefit specified in subparagraphs (a) to (c) and (f).]

(3) The second condition is that—

- (a) the claimant or, if the claimant is a member of a family, one of the family is pregnant or has given birth to a child or a still-born child;

[^{F11}(b) the child’s parents are not partners at the date of the claim and the claimant—

- (i) is the parent (but not the mother) of the child (who must not exceed the age of twelve months at the date of the claim), or is responsible for that parent, and
- (ii) is responsible for the child;]

(c) the claimant or the claimant’s partner—

- (i) has been granted a qualifying order in respect of a child who does not exceed the age of twelve months at the date of the claim, and
- (ii) is responsible for the child;

(d) the claimant or the claimant’s partner—

- (i) has been appointed the guardian of a child who does not exceed the age of twelve months at the date of the claim, and
- (ii) is responsible for the child;

(e) a child who does not exceed the age of twelve months at the date of the claim has been placed for adoption with the claimant or the claimant’s partner by an adoption agency and the claimant or the claimant’s partner is responsible for the child; or

(f) the claimant or the claimant’s partner has adopted a child who does not exceed the age of twelve months at the date of the claim and that adoption falls within section 66(1)(c) to (e) of the Adoption and Children Act 2002 (meaning of adoption).

^{F12}(4)

(5) The [^{F13}third] condition is that the claim is made within the prescribed time for claiming a Sure Start Maternity Grant.]

[^{F14}(6) The [^{F15}fourth] condition is that the claimant lives in England or Wales.]

Textual Amendments

- F4** Reg. 5 substituted (13.12.2010) by [Social Fund Maternity Grant Amendment Regulations 2010 \(S.I. 2010/2760\)](#), regs. 1, **2(5)**
- F5** Words in reg. 5(1) substituted (24.1.2011) by [Social Fund Maternity Grant Amendment Regulations 2011 \(S.I. 2011/100\)](#), regs. 1(1), **2(3)(a)** (with reg. 3)
- F6** Words in reg. 5(2)(e) substituted (6.4.2017) by [The Social Fund \(Amendment\) Regulations 2017 \(S.I. 2017/271\)](#), regs. 1(2), **3(3)**
- F7** Word in reg. 5(2) omitted (1.4.2013) by virtue of [The Social Fund \(Maternity and Funeral Expenses\) Amendment Regulations 2013 \(S.I. 2013/247\)](#), regs. 1(2), **2(4)(a)**
- F8** Word in reg. 5(2) omitted by S.I. 2017/725, Sch. 5 para. 9(3)(a) (as inserted) (6.4.2018) by virtue of [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(18)(e)**
- F9** Reg. 5(2)(g) added (1.4.2013) by [The Social Fund \(Maternity and Funeral Expenses\) Amendment Regulations 2013 \(S.I. 2013/247\)](#), regs. 1(2), **2(4)(b)**
- F10** Reg. 5(2)(h) inserted by S.I. 2017/725, Sch. 5 para. 9(3)(b) (as inserted) (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(18)(e)**
- F11** Reg. 5(3)(b) substituted (24.1.2011) by [Social Fund Maternity Grant Amendment Regulations 2011 \(S.I. 2011/100\)](#), regs. 1(1), **2(3)(b)**
- F12** Reg. 5(4) omitted (8.6.2023) by virtue of [The Social Fund Maternity and Funeral Expenses \(General\) and Social Security \(Claims and Payments\) \(Amendment\) Regulations 2023 \(S.I. 2023/545\)](#), regs. 1(2), **3(2)(a)**
- F13** Word in reg. 5(5) substituted (8.6.2023) by [The Social Fund Maternity and Funeral Expenses \(General\) and Social Security \(Claims and Payments\) \(Amendment\) Regulations 2023 \(S.I. 2023/545\)](#), regs. 1(2), **3(2)(b)**
- F14** Reg. 5(6) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Social Security \(Scotland\) Act 2018 \(Best Start Grants\) \(Consequential Modifications and Saving\) Order 2018 \(S.I. 2018/1138\)](#), **art. 3(4)** (with reg. 4)
- F15** Word in reg. 5(6) substituted (8.6.2023) by [The Social Fund Maternity and Funeral Expenses \(General\) and Social Security \(Claims and Payments\) \(Amendment\) Regulations 2023 \(S.I. 2023/545\)](#), regs. 1(2), **3(2)(c)**

Entitlement where another member of the claimant’s family is under the age of 16

[^{F16}**5A.**—(1) In this regulation—

- (a) “C” means the child or still-born child in respect of whom a Sure Start Maternity Grant is claimed; and
- (b) “existing member of the family” has the meaning given in paragraph (2) or, as the case may be, (3).

(2) Where a parent of C (“P”) is under the age of 20 and a member of the claimant’s family, “existing member of the family” means any member of the claimant’s family who is also a child of P, apart from C or any other child born as a result of the same pregnancy as C.

(3) In any other case, “existing member of the family” means any member of the claimant’s family apart from—

- (a) C;
- (b) any other child born as a result of the same pregnancy as C;
- (c) any child whose parent is under the age of 20 and a member of the claimant’s family^{F17};
- (d) any child—

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Changes to legislation: There are currently no known outstanding effects for the The Social Fund Maternity and Funeral Expenses (General) Regulations 2005, PART II. (See end of Document for details)

- (i) who was not, at the time of the child’s birth, a child of the claimant (or, where the claimant has a partner at the date of claim, the claimant’s partner); and
 - (ii) whose age, at the time that the claimant (or, where the claimant has a partner at the date of claim, the claimant’s partner) first became responsible for that child, exceeded 12 months.]
- (4) Subject to the following provisions of this regulation, a Sure Start Maternity Grant shall not be awarded if, at the date of claim, any existing member of the family is under the age of 16.
- (5) Where C is one of two or more children—
- (a) born or still-born as a result of the same pregnancy, or
 - (b) (if the claim is made before the confinement in a case where regulation 5(3)(a) applies) who are expected to be born as a result of the same pregnancy,
 - (c) the number of Sure Start Maternity Grants to be awarded is to be determined in accordance with paragraphs (6) and (7).
- (6) Where at the date of claim no existing member of the family is under the age of 16 a Sure Start Maternity Grant is to be awarded in respect of each of the children mentioned in paragraph (5).
- (7) Where at the date of claim any existing member of the family is under the age of 16 then—
- (a) where each of those existing members of the family under the age of 16 was born as a result of separate pregnancies, a Sure Start Maternity Grant is to be awarded for all but one of the children mentioned in paragraph (5); and
 - (b) where two or more of those existing members of the family under the age of 16 were born as a result of a single pregnancy, the number of Sure Start Maternity Grants to be awarded in respect of the children mentioned in paragraph (5) is the number of children mentioned in paragraph (5) minus the maximum number of existing members of the family born as a result of a single pregnancy.]
- [^{F18}(8) A Sure Start Maternity Grant shall be awarded if—
- (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 who is 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 Great Britain 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.]

Textual Amendments

- F16** Reg. 5A substituted (13.8.2012) by [The Social Fund Maternity Grant Amendment Regulations 2012 \(S.I. 2012/1814\)](#), regs. 1(2), 2 (with reg. 3)
- F17** Reg. 5A(3)(d) inserted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), 3(2)
- F18** Reg. 5A(8)-(10) inserted (E.W.) (8.6.2023) by [The Social Fund Maternity and Funeral Expenses \(General\) and Social Security \(Claims and Payments\) \(Amendment\) Regulations 2023 \(S.I. 2023/545\)](#), regs. 1(2), 3(3)

Persons affected by a trade dispute

6.—(1) Where the claimant or the claimant's partner is a person affected by a trade dispute, a Sure Start Maternity Grant shall be made only if—

- (a) in the case where the claimant or the claimant's partner is in receipt of income support or income-based jobseeker's allowance, the trade dispute has, at the date of the claim for that payment, continued for not less than six weeks; or
- (b) in the case where the claimant or the claimant's partner is in receipt of—
 - (i) working tax credit where the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 is included in the award, or
 - (ii) child tax credit [^{F19}which includes an individual element or a disability element referred to in section 9(3) of the Tax Credits Act 2002],

the “relevant claim” was made before the beginning of the trade dispute.

(2) In paragraph (1)(b), the relevant claim means the claim in respect of which a tax credit of the type referred to in head (i) or (ii) of that sub-paragraph was awarded.

Textual Amendments

- F19** Words in reg. 6(1)(b)(ii) substituted (6.4.2017) by [The Social Fund \(Amendment\) Regulations 2017 \(S.I. 2017/271\)](#), regs. 1(2), 3(3)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Social Fund Maternity and Funeral Expenses (General) Regulations 2005, PART II.