

**2013 No. 247**

**SOCIAL SECURITY**

**The Social Fund (Maternity and Funeral Expenses) Amendment  
Regulations 2013**

<i>Made</i> - - - -	<i>6th February 2013</i>
<i>Laid before Parliament</i>	<i>11th February 2013</i>
<i>Coming into force</i> - -	<i>1st April 2013</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred upon him by sections 138(1)(a) and (4) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(b).

**Citation and commencement**

1.—(1) These Regulations may be cited as the Social Fund (Maternity and Funeral Expenses) Amendment Regulations 2013.

(2) They come into force on 1st April 2013.

**Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005.**

2.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005(c) are amended as follows.

(2) In regulation 3(1)(interpretation)—

(a) after the definition of “the Act” insert—

““the 1995 Act” means the Jobseekers Act 1995(d);

“the 2007 Act” means the Welfare Reform Act 2007(e);

“the 2012 Act” means the Welfare Reform Act 2012(f);”;

(b) in the definition of “family”, at the beginning of sub-paragraph (c) insert “except where the claimant is in receipt of universal credit,”;

(c) in the definition of “partner”, at the end of sub-paragraph (b) insert—

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(a) 1992 c.4. Amendments not relevant to these Regulations have been made to section 175(1) and (4).

(b) See sections 170, 172 and 173(1)(b) of the Social Security Administration Act 1992 (c.5).

(c) S.I. 2005/3061.

(d) 1995 c.18.

(e) 2007 c.5.

(f) 2012 c.5.

“except that paragraph (b) does not apply where the claimant is in receipt of universal credit,”;

(d) after the definition of “Sure Start Maternity Grant” insert—

““universal credit” means universal credit under Part 1 of the 2012 Act;”.

(3) In regulation 3(4), at the beginning of sub-paragraph (b) insert “except where the claimant is in receipt of universal credit,”.

(4) In regulation 5 (entitlement to a Sure Start Maternity Grant), in paragraph (2)—

(a) omit the word “or” between sub-paragraphs (e) and (f);

(b) at the end of sub-paragraph (f) add—

“; or

(g) universal credit.”.

(5) In regulation 7 (funeral payments: entitlement), in paragraph (4)—

(a) omit sub-paragraph (a)(vii)(council tax benefit);

(b) at the end of sub-paragraph (a) add “(ix) universal credit.”; and

(c) omit sub-paragraph (b).

(6) In regulation 8 (funeral payments: supplementary), in paragraph (2)(a), after sub-paragraph (b) insert—

“(bb) a qualifying young person under section 10(5) (prescription of qualifying young person) of the Welfare Reform Act 2012;”.

(7) In regulation 10 (deductions from an award of a funeral payment), in paragraph (1), at the start of sub-paragraph (a) insert “subject to paragraph (1A)”.

(8) After regulation 10(1) insert—

“(1A) For the purposes of regulation 10(1)(a), arrears of the following benefits payable to the deceased as at the date of death are excluded from the assets of the deceased—

(a) attendance allowance under Part 3 of the Act;

(b) bereavement allowance under Part 2 of the Act;

(c) carer’s allowance under Part 3 of the Act;

(d) child benefit under Part 9 of the Act;

(e) child tax credit under section 8 of the Tax Credits Act 2002**(b)**;

(f) council tax benefit under Part 7 of the Act;

(g) disability living allowance under Part 3 of the Act;

(h) employment and support allowance under—

(i) Part 1 of the 2007 Act as amended by Schedule 3, and Part 1 of Schedule 14, to the 2012 Act (to remove references to an income-related allowance); or

(ii) Part 1 of the 2007 Act as it has effect apart from the amendments made by Schedule 3, and Part 1 of Schedule 14, to the 2012 Act;

(i) exceptionally severe disablement allowance under Part 5 of the Act;

(j) guardian’s allowance under Part 3 of the Act;

(k) housing benefit under Part 7 of the Act;

(l) incapacity benefit under Part 2 of the Act;

(m) income support under Part 7 of the Act;

(n) industrial death benefit under Part 5 of the Act;

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(a) Substituted by S.I. 2006/588.

(b) 2002 c.21.

- (o) industrial injuries disablement benefit under Part 5 of the Act;
- (p) jobseeker’s allowance under—
  - (i) the 1995 Act as amended by Part 1 of Schedule 14 to the 2012 Act (to remove references to an income-based allowance); or
  - (ii) the 1995 Act as it has effect apart from the amendments made by Part 1 of Schedule 14 to the 2012 Act;
- (q) maternity allowance under Part 2 of the Act;
- (r) personal independence payment under Part 4 of the 2012 Act;
- (s) reduced earnings allowance under Part 5 of the Act;
- (t) severe disablement allowance under Part 3 of the Act;
- (u) state pension credit under section 1 of the State Pension Credit Act 2002(a);
- (v) state retirement pension under Parts 2 or 3 of the Act;
- (w) universal credit under Part 1 of the 2012 Act;
- (x) war disablement pension under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003(b) in respect of the death or disablement of any person;
- (y) war widow’s pension under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;
- (z) war widower’s pension under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;
- (aa) widowed mother’s allowance under Part 2 of the Act;
- (bb) widowed parent’s allowance under Part 2 of the Act;
- (cc) widow’s pension under Part 2 of the Act;
- (dd) winter fuel payment under Part 8 of the Act;
- (ee) working tax credit under section 10 of the Tax Credits Act 2002.”.

Signed by authority of the Secretary of State for Work and Pensions.

6th February 2013

*Freud*  
Parliamentary Under-Secretary of State  
Department for Work and Pensions

### **EXPLANATORY NOTE**

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

These regulations amend the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 (S.I. 2005/3061) (“the principal Regulations”).

Regulation 2(4) ensures that persons who are in receipt of universal credit may qualify for a Sure Start Maternity Grant.

Regulation 2(2)(b) and (c) and (3) ensure that any universal credit claimants who are in polygamous marriages will not have such a marriage taken into account when determining entitlement to a funeral payment or a Sure Start Maternity Grant.

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(a) 2002 c.16.  
(b) 2003 c.1.

Regulation 2(5) removes council tax benefit from, and adds universal credit to, the list of qualifying benefits for a funeral payment in regulation 7(4) of the principal Regulations.

Regulation 2(7) and (8) ensure that arrears of social security benefits and tax credits are not taken into account when calculating the assets of the deceased when determining entitlement to a funeral payment.

The remaining parts of regulation 2(2) and (6) add definitions to regulations 3 and 8 of the principal regulations.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.

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