

**EXPLANATORY MEMORANDUM TO**  
**THE SOCIAL FUND FUNERAL EXPENSES PAYMENT (CORONAVIRUS)**  
**(AMENDMENT) REGULATIONS 2020**

**2020 No. 405**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.
- 1.2 This instrument contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1 To amend the provisions relating to funeral payments from the Social Fund and increase the limit allowed for other costs from £700 to £1,000.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 This SI will breach the 21-day rule as it will come into force on the day after it is made. This is so the increased payments can be made available as quickly as possible to provide additional support to claimants in order to help them manage the economic impacts of the Coronavirus pandemic.
- 3.2 These are emergency regulations in relation to the Government's response to Covid-19. These Regulations will invoke the urgency provisions and will be made without first submitting to the Social Security Advisory Committee.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.3 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England and Wales.

**5. European Convention on Human Rights**

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**6. Legislative Context**

- 6.1 The Social Fund is constituted under Part 8 of the Social Security Contributions and Benefits Act 1992. The Social Fund Maternity and Funeral Expenses (General) Regulations 2005 made under that Part set out the conditions for eligibility and

payment of payments to meet funeral costs for those in receipt of certain means-tested benefits. This instrument is being made to increase the amount for any other funeral expenses from “shall not exceed £700 in any case” to “shall not exceed £1,000 in any case.

## **7. Policy background**

### *What is being done and why?*

- 7.1 Social Fund Funeral Expenses Payments help eligible claimants with the cost of arranging a funeral. Funeral Expenses Payments met the full, necessary costs of a cremation or burial; these are broadly, the cost of purchasing a grave with exclusive burial rights, basic crematorium or burial fees, the costs of necessary documentation and (in some cases) transport of the deceased’s body. An additional discretionary element can be used to help pay for items such as flowers, car hire, the funeral ceremony and funeral director charges for making the arrangements. The discretionary element is capped at £700 (or £120 where the claimant is provided with some items or services under a pre-paid funeral plan).
- 7.2 The decision has been made that the current £700 cap for the discretionary element will be increased to £1,000 for all cases.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act

## **9. Consolidation**

- 9.1 Informal consolidated text of instruments is available to the public free of charge via ‘the National Archive’ website [legislation.gov.uk](http://legislation.gov.uk).

## **10. Consultation outcome**

- 10.1 Given the urgency of these regulations, no consultations have been undertaken

## **11. Given the urgency of these regulations, no consultation has been undertaken. Guidance**

- 11.1 Appropriate amendments to the current published guidance and to the operational guidance issued to staff in the Department for Work and Pensions will be issued before these changes come into force.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because there is little or no direct impact on business.

## **13. Regulating small business**

- 13.1 The legislation does not apply to activities that are undertaken by small businesses

#### **14. Monitoring & review**

- 14.1 The Department for Work and Pensions routinely reviews and monitors the effect of policy changes. There are, however, no specific plans to evaluate the impact of these regulations.

#### **15. Contact**

- 15.1 The Social Fund Policy Team at the Department for Work and Pensions (email: [socialfundstrategy.singlepointofcontact@dwp.gsi.gov.uk](mailto:socialfundstrategy.singlepointofcontact@dwp.gsi.gov.uk).) can answer any queries relating to this statutory instrument.
- 15.2 Helen Walker, Deputy Director for Social Fund Policy area, at the Department for work and Pensions can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Parliamentary Under-Secretary of State for Work and Pensions (Lords) at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.