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STATUTORY INSTRUMENTS

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**2023 No. 545**

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

**Amendment of the Social Security (Claims and Payments) Regulations 1987**

2. After regulation 19(7) of the Social Security (Claims and Payments) Regulations 1987(1) (time for claiming benefit) 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,

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(2) (“the 1971 Act”) where such leave is granted by virtue of—

(i) Appendix Afghan Relocations and Assistance Policy of those rules(3); or

(ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme)(4); 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(5);

(b) has been granted leave in accordance with immigration rules made under section 3(2) of the 1971 Act;

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(1) [S.I. 1987/1968](#). There are amending instruments but none are relevant.

(2) [1971 c. 77](#).

(3) <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix/afghan-relocations-and-assistance-policy-arap>. 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.

(4) <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.

(5) Section 2 is substituted by section 39(2) of the British Nationality Act [1981 \(c. 61\)](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (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<sup>(6)</sup>.
- (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 2005); and
  - (b) that existing member of the family is under the age of 16 on that date.”.

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<sup>(6)</sup> Section 3ZA is inserted by section 2(2) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20).