STATUTORY INSTRUMENTS

2018 No. 61

SOCIAL SECURITY

The Social Fund Funeral Expenses Amendment Regulations 2018

Made - - - -	*18th January 2018*
Laid before Parliament	*22nd January 2018*
Coming into force - -	*2nd April 2018*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 1(1) and 5 of the Social Security Administration Act 1992(**1**) and sections 138(1)(a) and 175(1), and (5) of the Social Security Contributions and Benefits Act 1992(**2**).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(**3**).

Citation and commencement

1. These Regulations may be cited as the Social Fund Funeral Expenses Amendment Regulations 2018 and come into force on 2nd April 2018.

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

2.—(1) The Social Security (Claims and Payments) Regulations 1987(**4**) are amended in accordance with this regulation.

(2) In regulation 2(1) (interpretation)(**5**), after the definition of "shared additional pension" insert —

> ""social fund funeral payment" means a funeral payment within the meaning of regulation 7(1) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005(**6**);".

(**1**) 1992 c.5; there are amendments to section 5 which are not relevant to these Regulations.
(**2**) 1992 c. 4; section 138(4) provides that "prescribed" means specified in or determined in accordance with regulations; there are amendments to section 175(1) and (5) which is not relevant to these Regulations.
(**3**) Section 173(1)(b) of the Social Security Administration Act 1992 provides that regulations which would otherwise be referable to the Social Security Advisory Committee by virtue of sections 170 and 172 of that Act may not be so referred with the agreement of that committee.
(**4**) S.I. 1987/1968.
(**5**) The definition of "shared additional pension" was inserted into regulation 2 by S.I. 2005/1581 and was amended by S.I. 2015/1985.
(**6**) S.I. 2005/3061.

(3) In regulation 32ZA(2) (information given electronically)(**7**) at the end insert—

"; (k)a social fund funeral payment".

(4) In Schedule 4 (prescribed times for claiming benefit), in the entry in column 2 relating to paragraph 9 (social fund payment in respect of funeral expenses)(**8**) for "3 months" substitute "6 months".

(5) In Schedule 9ZC(**9**), in paragraph 2(1) (conditions for the use of electronic communication) at the end insert—

"; (k)a social fund funeral payment".

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

3. The Social Fund Maternity and Funeral Expenses (General) Regulations 2005(**10**) are amended in accordance with regulations 4 to 7.

Definition of funeral

4. In regulation 3 (interpretation) omit the definition of "funeral".

Responsible person: residence in care home

5. In regulation 8(2) (funeral payments: supplementary)(**11**) after sub-paragraph (f) insert—

"(ff) a person resident in a care establishment within the meaning of regulation 3(3), whose accommodation and care costs are met in whole or in part by a local authority within the meaning of the Local Government Act 1972(**12**) or the Local Government etc (Scotland) Act 1994(**13**);"".

Amount of funeral payment

6. In regulation 9 (amount of funeral payment)—

(a) for paragraph (3)(a)(i) substitute

"(i) the necessary costs of obtaining a new burial plot for the deceased and a right of burial in that plot, whether or not that right is exclusive";

(b) omit paragraphs (3)(b)(ii) and (iii); and

(c) after paragraph (3)(b) insert—

"(ba) the cost of obtaining any medical reference, report or other documentation required in connection with the disposal of the body of the deceased, whether by burial, cremation or otherwise;";

(d) in paragraph (8) for "with an exclusive right of burial" substitute " with a right of burial in that plot, whether or not that right is exclusive".

(**7**) Regulation 32ZA was inserted by S.I. 2003/2800; there are amendments to paragraph (2) not relevant to these Regulations.
(**8**) Paragraph 9 was amended by S.I. 1996/2306.
(**9**) Schedule 9ZC was inserted by S.I. 2003/2800.
(**10**) S.I. 2005/3061.
(**11**) Regulation 8(2) was amended by S.I. 2006/588 and 2013/247.
(**12**) 1972 c. 70.
(**13**) 1994 c. 39.