STATUTORY RULES OF NORTHERN IRELAND

2018 No. 45

SOCIAL SECURITY

The Social Fund Funeral Expenses (Amendment) Regulations (Northern Ireland) 2018

Made - - - -	*8th March 2018*
Coming into operation	*2nd April 2018*

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 1(1) and 5 of the Social Security Administration (Northern Ireland) Act 1992(**1**) and sections 134(1)(a) and 171(1), and (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**), and now vested in it(**3**).

Citation and Commencement

1. These Regulations may be cited as the Social Fund Funeral Expenses (Amendment) Regulations (Northern Ireland) 2018 and come into operation on 2nd April 2018.

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**4**) are amended as follows.

(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 (Northern Ireland) 2005(**6**);".

(3) In regulation 32ZA(2) (information given electronically)(**7**) after sub-paragraph (g) insert—

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

(**1**) 1992 c. 8; to which there are amendments not relevant to these Regulations
(**2**) 1992 c. 7; section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**3**) See Article 8(b) of S.R. 1999 No. 481 and Section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(**4**) S.R. 1987 No. 465
(**5**) The definition of "shared additional pension" was inserted into regulation 2 by S.R. 2005 No. 299 and was amended by regulation 9(2)(c) of S.R. 2015 No. 411
(**6**) S.R. 2005 No. 506
(**7**) Regulation 32ZA was inserted by regulation 2(3) of S.R. 2011 No. 298 to which there are amendments not relevant to these Regulations

(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 8D(**9**), in paragraph 2(1) (conditions for the use of electronic communication) after "income support" insert ", a social fund funeral payment.".

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

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

Definition of funeral

4. In regulation 2 (interpretation) omit the definition of "funeral".

Responsible person: residence in care home

5.—(1) In regulation 8(2) (funeral payments: supplementary)(**10**) after sub-paragraph (f) insert—

"(ff) a person resident in a care establishment within the meaning of regulation 2(3), whose accommodation and care costs are met in whole or in part by a Health and Social Care trust;".

(2) In this regulation "Health and Social Care trust" means a body as established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(**11**).

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);

(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;"; and

(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".

Deductions from funeral payments

7. In regulation 10 (deductions from an award of a funeral payment) omit paragraphs (1)(c), (2) and (3)(**12**).

(**8**) Paragraph 9 was amended by regulation 2(6) of S.R. 1996 No. 432
(**9**) Schedule 8D was inserted by regulation 2(4) of S.R. 2006 No. 203
(**10**) Regulation 8(2) was amended by regulation 6 of S.R. 2006 No. 97 and regulation 33(5) of S.R. 2016 No. 236
(**11**) S.I. 1991/194 (N.I.1); Article 10 was amended by section 1 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.))
(**12**) Paragraphs (2) and (3) were amended by regulation 7 of S.R. 2005 No. 550, regulation 7 of S.R. 2010 No. 69, regulation 18 of S.R. 2011 No. 357 and regulation 5 of S.R. 2017 No. 205