STATUTORY RULES OF NORTHERN IRELAND

2012 No. 292

SOCIAL SECURITY

The Social Fund Maternity and Funeral Expenses (General) (Amendment) Regulations (Northern Ireland) 2012

Made - - - -	*16th July 2012*
Coming into operation	*13th August 2012*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 134(1)(a) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and now vested in it(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund Maternity and Funeral Expenses (General) (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 13th August 2012.

(2) In these Regulations "the principal Regulations" means the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(**3**) and expressions defined in those Regulations have the same meaning in these Regulations.

(3) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the principal Regulations

2. Subject to regulation 3, for regulation 5A of the principal Regulations(**5**) (award not to be made where another member of the claimant's family is under 16 unless an exception applies) substitute—

"**Entitlement where another member of the claimant's family is under the age of 16**

5A.—(1) In this regulation—

(**1**) 1992 c.7; section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) S.R. 2005 No. 506; relevant amending Regulations are S.R. 2011 No. 130
(**4**) 1954 c.33 (N. I.)
(**5**) Regulation 5A was inserted by regulation 2(4) of S.R. 2011 No. 130

(a) "C" means the child or still-born child in respect of whom a Sure Start Maternity Grant is claimed; and

(b) "existing member of the family" has the meaning given in paragraph (2) or, as the case may be, (3).

(2) Where a parent of C ("P") is under the age of 20 and a member of the claimant's family, "existing member of the family" means any member of the claimant's family who is also a child of P, apart from C or any other child born as a result of the same pregnancy as C.

(3) In any other case, "existing member of the family" means any member of the claimant's family apart from—

(a) C;

(b) any other child born as a result of the same pregnancy as C;

(c) any child whose parent is under the age of 20 and a member of the claimant's family.

(4) Subject to the following provisions of this regulation, a Sure Start Maternity Grant shall not be awarded if, at the date of claim, any existing member of the family is under the age of 16

(5) Where C is one of two or more children—

(a) born or still-born as a result of the same pregnancy, or

(b) (if the claim is made before the confinement in a case where regulation 5(3)(a) applies) who are expected to be born as a result of the same pregnancy,

the number of Sure Start Maternity Grants to be awarded is to be determined in accordance with paragraphs (6) and (7).

(6) Where at the date of claim no existing member of the family is under the age of 16 a Sure Start Maternity Grant is to be awarded in respect of each of the children mentioned in paragraph (5).

(7) Where at the date of claim any existing member of the family is under the age of 16 then—

(a) where each of those existing members of the family under the age of 16 was born as a result of separate pregnancies, a Sure Start Maternity Grant is to be awarded for all but one of the children mentioned in paragraph (5); and

(b) where two or more of those existing members of the family under the age of 16 were born as a result of a single pregnancy, the number of Sure Start Maternity Grants to be awarded in respect of the children mentioned in paragraph (5) is the number of children mentioned in paragraph (5) minus the maximum number of existing members of the family born as a result of a single pregnancy.".

Transitional Provisions

3.—(1) The substitution made by regulation 2 does not apply in a case where any of paragraphs (2) to (7) apply.

(2) This paragraph applies in a case where—

(a) the claimant falls within regulation 5(3)(a) of the principal Regulations;

(b) the claim is made before C's birth;

(c) the claim is made before 13th August 2012; and

(d) the expected date of confinement is before 29th October 2012.

(3) This paragraph applies in a case where—