STATUTORY RULES OF NORTHERN IRELAND

2011 No. 130

SOCIAL SECURITY

The Social Fund Maternity and Funeral Expenses (General) (Amendment) Regulations (Northern Ireland) 2011

Made - - - -	*21st March 2011*
Coming into operation	*23rd March 2011*

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 sections 5(1)(a) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and now vested in it(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund Maternity and Funeral Expenses (General) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 23rd March 2011.

(2) In these Regulations "the principal Regulations" means the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(**4**).

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended in accordance with paragraphs (2) to (4) (but subject to regulation 3).

(2) In Part II, before regulation 5 insert—

(**1**) 1992 c. 7; section 134(1) was amended 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**) 1992 c. 8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) S.R. 2005 No. 506; relevant amending Regulation is S.R. 2010 No. 378
(**5**) 1954 c. 33 (N. I.)

"**Persons to be treated as responsible for children**

4A.—(1) For the purposes of this Part, subject to paragraph (4), a person ("P") is to be treated as responsible for a child if paragraph (2) or (3) applies.

(2) This paragraph applies if—

(a) P is receiving child benefit in respect of the child, unless P is a child in respect of whom another person is receiving child benefit; or

(b) no one is receiving child benefit in respect of the child but the child usually lives with P.

(3) This paragraph applies where P is receiving child benefit in respect of a child who is in receipt of child benefit in respect of another child, in which case P is to be treated as responsible for both children.

(4) P is not to be treated as responsible for a child if the child is—

(a) being looked after by a authority within the meaning given by Article 2 of the Children Order(**6**) unless the child usually lives with P; or

(b) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court.".

(3) In regulation 5(**7**)(entitlement)—

(a) in paragraph (1) for "regulation 6" substitute " regulations 5A and 6";

(b) for paragraph (3)(b) substitute—

"(b) the child's parents are not partners at the date of the claim and the claimant —

(i) is the parent (but not the mother) of the child (who must not exceed the age of twelve months at the date of the claim), or is responsible for that parent, and

(ii) is responsible for the child;".

(4) After regulation 5 insert—

"**Award not to be made where another member of the claimant's family is under 16 unless an exception applies**

5A.—(1) In this regulation "C" is the child or still-born child in respect of whom a Sure Start Maternity Grant is claimed.

(2) Except where paragraph (3) or (4) applies, a Sure Start Maternity Grant shall not be awarded if, at the date of the claim, any member of the claimant's family apart from C is under the age of 16.

(3) This paragraph applies where—

(a) C is one of two or more children—

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

(ii) (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; and

(b) at the date of claim there is no member of the claimant's family apart from either C or the other child or children born as a result of that pregnancy who is under the age of 16.

(**6**) S.I. 1995 No. 755 (N.I. 2)
(**7**) Regulation 5 was substituted by regulation 2(5) of S.R. 2010 No. 378