STATUTORY RULES OF NORTHERN IRELAND

2010 No. 378

SOCIAL SECURITY

The Social Fund Maternity and Funeral Expenses (General) (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*18th November 2010*
Coming into operation	*13th December 2010*

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) 2010 and shall come into operation on 13th December 2010.

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

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

2.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(**5**) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of "the Act" insert—

""the Adoption Order" means the Adoption (Northern Ireland) Order 1987(**6**);

"the Children Order" means the Children (Northern Ireland) Order 1995(**7**);";

(**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)), 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**) 1954 c. 33 (N.I.)
(**5**) S.R. 2005 No. 506; relevant amending Regulation is S.R. 2008 No. 286
(**6**) S.I. 1987/2203 (N.I. 22)
(**7**) S.I. 1995 No. 755 (N.I. 2)

(b) after the definition of "absent parent" insert—

""adoption agency" has the meaning given in Article 2(2) of the Adoption Order;

"adoption order" means an order made under Article 12 of the Adoption Order;";

(c) in the definition of "confinement" for "issue" in both places where it occurs substitute "birth";

(d) after the definition of "funeral payment" insert—

""guardian" means a person appointed as a guardian under Article 159 or 160 of the Children Order ;";

(e) after the definition of "occupational pension scheme" insert—

""order freeing a child for adoption" has the meaning given in Article 2(2) of the Adoption Order;

"parental order" means an order made under section 30 of the Human Fertilisation and Embryology Act 1990(**8**) (parental orders) or section 54 of the Human Fertilisation and Embryology Act 2008(**9**) (parental orders);"; and

(f) after the definition of "prescribed time for claiming" insert—

""qualifying order" has the meaning given in regulation 3A(6);

"residence order" means a residence order as defined in Article 8(1) and made under Article 10 of the Children Order (power of court to make Article 8 orders);".

(3) After regulation 2(1) insert—

"(1A) References in these Regulations to—

(a) Article 2, 12 or 39 of the Adoption Order; and

(b) Article 8, 10, 159 or 160 of the Children Order,

are to be construed as including a reference to a provision (if any) in legislation which has equivalent effect in England and Wales, Scotland, the Channel Islands or the Isle of Man.".

(4) For regulation 4 (provision against double payment) substitute—

"**Provision against double payment: Sure Start Maternity Grants**

3A.—(1) In this regulation—

(a) "C" is the child in respect of whom a Sure Start Maternity Grant has been claimed;

(b) "first grant" is a first Sure Start Maternity Grant in respect of C; and

(c) "second grant" is a second Sure Start Maternity Grant in respect of C.

(2) Subject to paragraph (3), a second grant may not be awarded if a first grant has been awarded.

(3) A second grant may be awarded to a person ("P") if the following conditions are satisfied.

(4) The first condition is that P—

(a) alone, or together with another person, has been granted a qualifying order; or

(b) falls within regulation 5(3)(b), (d), (e) or (f).

(5) The second condition is that P—

(a) has not already received a first grant; or

(**8**) 1990 c. 37; section 30 has been repealed (with transitional savings provisions) by the Human Fertilisation and Embryology Act 2008

(**9**) 2008 c. 22

(b) was not, at the time a first grant was claimed, a member of the family of a person to whom a first grant has been paid.

(6) A qualifying order is one of the following types of order—

(a) an adoption order;

(b) a parental order;

(c) a residence order.

Provision against double payment: funeral payments

4.—(1) Subject to paragraph (2), no funeral payment shall be made under these Regulations if such a payment has already been made in respect of any funeral expenses arising from the death of the same person.

(2) A further funeral payment may be made in respect of any funeral expenses arising from the death of a person in respect of which such a payment has already been made where—

(a) the decision pursuant to which the funeral payment was awarded has been revised; and

(b) the further amount of the award as revised, together with the amount of the funeral payment already paid in respect of the death of that person, does not exceed the amount of any funeral payment which may be awarded pursuant to regulation 9.".

(5) For regulation 5(**10**) (entitlement) substitute—

"**Entitlement**

5.—(1) Subject to regulation 6, a payment of £500 to meet maternity expenses (referred to in these Regulations as a "Sure Start Maternity Grant") shall be made in respect of a child or still-born child where the following conditions are satisfied.

(2) The first condition is that the claimant or the claimant's partner has, in respect of the date of the claim for a Sure Start Maternity Grant, been awarded—

(a) income support;

(b) state pension credit;

(c) an income-based jobseeker's allowance;

(d) working tax credit where the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(**11**) (maximum rate) is included in the award;

(e) child tax credit payable at a rate higher than the family element; or

(f) an income-related employment and support allowance.

(3) The second condition is that—

(a) the claimant or, if the claimant is a member of a family, one of the family is pregnant or has given birth to a child or a still-born child;

(b) the claimant is the parent (but not the mother) of a child who does not exceed the age of twelve months at the date of the claim and is responsible for the child and the child's parents are not partners at the date of the claim;

(c) the claimant or the claimant's partner—

(**10**) Regulation 5 was amended by regulation 34(3) of S.R. 2008 No. 286
(**11**) S.I. 2002/2005