STATUTORY RULES OF NORTHERN IRELAND

1997 No. 472

SOCIAL SECURITY

The Social Fund (Maternity and Funeral Expenses) (General) (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*28th October 1997*
Coming into operation	*17th November 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 134(1)(*a*) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund (Maternity and Funeral Expenses) (General) (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 17th November 1997.

(2) In these Regulations, "the principal Regulations" means the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(**2**).

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

Application of the Regulations

2. Regulations 3 to 6 of these Regulations shall apply only in respect of claims for a social fund payment to meet funeral expenses which are made, or are treated as made, on or after 17th November 1997.

Amendment of regulation 2 of the principal Regulations

3. For the definition of "absent parent"(**4**) in regulation 2(1) of the principal Regulations (interpretation), there shall be substituted the following definition—

""absent parent" means a parent of a child who has died where—

(**1**) 1992 c. 7
(**2**) S.R. 1987 No. 150; relevant amending Regulations are S.R. 1997 No. 155
(**3**) 1954 c. 33 (N.I.)
(**4**) Definition inserted by regulation 2(2)(*a*)(i) of S.R. 1997 No. 155

(a) that parent was not living in the same household with the child at the date of that child's death; and

(b) that child had his home, at the date of death, with a person who was responsible for that child for the purposes of Part IX of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;".

Amendment of regulation 3 of the principal Regulations

4.—(1) Regulation 3 of the principal Regulations(**5**) (provision against double payment) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (3)—

(a) at the beginning there shall be inserted "Except in a case to which paragraph (4) applies,";

(b) for "other" there shall be substituted "further";

(3) After paragraph (3) there shall be added the following paragraph—

"(4) Notwithstanding paragraph (3), a further funeral payment may be made under these Regulations 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 reviewed, and

(b) the amount of the award as revised on that review, 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 6A(2).".

Amendment of regulation 6 of the principal Regulations

5.—(1) Regulation 6 of the principal Regulations(**6**) (entitlement to a funeral payment) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)—

(a) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(b) the funeral takes place—

(i) in a case where the responsible person is a person to whom paragraph (1A) applies, in an EEA State;

(ii) in any other case, in the United Kingdom or, providing the deceased was normally resident in Northern Ireland, in the Republic of Ireland,

and for the purposes of this sub-paragraph, "EEA State" means a State which is a contracting party to the Agreement on the European Economic Area(**7**) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(**8**) signed at Brussels on 17th March 1993;".

(b) in sub-paragraph (*e*), for heads (ii), (iii) and (iv) there shall be substituted the following heads—

"(ii) in a case where the deceased was—

(**5**) Regulation 3(3) was amended by regulation 2(3) of S.R. 1997 No. 155
(**6**) Regulation 6 was substituted by regulation 2(5) of S.R. 1997 No. 155
(**7**) O.J. No. L1, 3.1.94, p. 3
(**8**) O.J. No. L1, 3.1.94, p. 572