STATUTORY RULES OF NORTHERN IRELAND

1996 No. 423

SOCIAL SECURITY

The Social Fund (Maternity and Funeral Expenses) (General) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*12th September 1996*
Coming into operation	*7th October 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 134(1)(*a*) 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) 1996 and shall come into operation on 7th October 1996.

(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.

Amendment of regulation 2 of the principal Regulations

2.—(1) Regulation 2 of the principal Regulations (interpretation) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)—

(a) in the definition of "child" for "(General) Regulations (Northern Ireland) 1987" there shall be substituted "Regulations(**4**) or, as the case may be, of regulation 76 of the Jobseeker's Allowance Regulations", and

(b) after the definition of "funeral payment" there shall be inserted the following definitions—

(**1**) 1992 c. 7
(**2**) S.R. 1987 No. 150; relevant amending regulations are S.R. 1988 Nos. 6 and 22, S.R. 1989 No. 71, S.R. 1990 No. 132, S.R. 1992 No. 6, S.R. 1993 No. 99, S.R. 1994 No. 68 and S.R. 1995 No. 190
(**3**) 1954 c. 33 (N.I.)
(**4**) Regulation 14 was amended by S.R. 1990 No. 131

""income-based jobseeker's allowance" has the same meaning in these Regulations as it has in the Jobseekers (Northern Ireland) Order 1995(**5**) by virtue of Article 2(2) of that Order;

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**6**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**7**);".

(3) After paragraph (1) there shall be inserted the following paragraph—

"(1A) For the purposes of Part III of these Regulations, persons are to be treated as being members of the same household where such persons were partners and either or both or any or all of those persons are permanently in residential accommodation or a residential care home or a nursing home as defined for the purposes of the Income Support Regulations or, as the case may be, of the Jobseeker's Allowance Regulations.".

(4) In paragraph (2) after "(3)" there shall be inserted "(*a*) to (*d*)" and for "(General) Regulations (Northern Ireland) 1987" there shall be substituted "Regulations(**8**) or, as the case may be, in regulation 78(2) and (3)(*a*) to (*c*) of the Jobseeker's Allowance Regulations".

Amendment of regulation 4 of the principal Regulations

3. In regulation 4(1)(*a*) of the principal Regulations(**9**) (entitlement to a maternity payment) after "income support," there shall be inserted "income-based jobseeker's allowance,".

Amendment of regulation 5 of the principal Regulations

4. In regulation 5(*a*) of the principal Regulations(**10**) (persons affected by a trade dispute) after "income support" there shall be inserted "or income-based jobseeker's allowance".

Amendment of regulation 6 of the principal Regulations

5.—(1) Regulation 6 of the principal Regulations(**11**) (entitlement to a funeral payment) shall be amended in accordance with paragraphs (2) to (7).

(2) In paragraph (1)(*a*) after "income support," there shall be inserted "income-based jobseeker's allowance,".

(3) At the beginning of paragraph (1B) there shall be inserted "Except in a case where paragraph (1C) applies,".

(4) After paragraph (1B), there shall be inserted the following paragraph—

"(1C) Paragraph (1B) shall not apply where the close relative who was in closer contact with the deceased than the responsible person, or, as the case may be, was in equally close contact with the deceased—

(a) was a child as at the date of death; and

(b) there is no other close relative (not being a child) to whom any of sub-paragraphs (*a*) to (*c*) of paragraph (1B) apply.".

(**5**) S.I.1995/2705 (N.I. 15)
(**6**) S.R. 1987 No. 459
(**7**) S.R. 1996 No. 198
(**8**) Regulation 16(2) and (3) was amended by S.R. 1993 Nos. 149 and 373
(**9**) Regulation 4(1)(*a*) was substituted by S.R. 1988 No. 22 and amended by S.R. 1992 No. 6
(**10**) Regulation 5(*a*) was amended by S.R. 1988 No. 22
(**11**) Regulation 6 was amended by S.R. 1988 No. 22, S.R. 1993 No. 99 and S.R. 1995 No. 190