1995 No. 190

SOCIAL SECURITY

The Social Fund (Maternity and Funeral Expenses) (General) (Amendment) Regulations (Northern Ireland) 1995

Made	*12th May 1995*
Coming into operation . .	*5th June 1995*

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(**a**) 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) 1995 and shall come into operation on 5th June 1995.

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

(3) The Interpretation Act (Northern Ireland) 1954(**c**) 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. In regulation 2(1) of the principal Regulations (interpretation)—

(*a*) for the definition of "close relative"(**d**) there shall be substituted the following definition—

" "close relative" means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-son-in-law, step-daughter, step-daughter-in-law, brother, brother-in-law, sister or sister-in-law;", and

(*b*) for the definition of "partner" there shall be substituted the following definition—

" "partner" means where a person—

(a) 1992 c. 7
(b) 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 and S.R. 1994 No. 68
(c) 1954 c. 33 (N.I.)
(d) Definition inserted by regulation 2 of S.R. 1994 No. 68

(*a*) is a member of a married or unmarried couple, the other member of that couple;

(*b*) is married polygamously to 2 or more members of his household, any such member;".

Amendment of regulation 6 of the principal Regulations

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

(2) In paragraph (1)—

(*a*) for "Subject to regulation 7" there shall be substituted "Subject to paragraphs (1A) and (1B) and regulation 7", and

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

"(*b*) the claimant or his partner (in this Part referred to as "the responsible person") accepts responsibility for those expenses and—

(i) the responsible person was the partner of the deceased at the date of death, or

(ii) in a case where the deceased had no partner the responsible person was either—

(*aa*) a close relative of the deceased, or

(*bb*) a close friend of the deceased,

and it is reasonable for the responsible person to accept responsibility for those expenses; and".

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

"(1A) Whether it is reasonable for a person to accept responsibility for meeting the expenses of a funeral shall be determined by the nature and extent of that person's contact with the deceased.

(1B) In a case where the deceased had one or more close relatives and the responsible person is a person to whom paragraph (1)(*b*)(ii) applies, if on comparing the nature and extent of any such close relative's contact with the deceased and the nature and extent of the responsible person's contact with the deceased, any such close relative was—

(*a*) in closer contact with the deceased than the responsible person;

(*b*) in equally close contact with the deceased and neither that close relative nor his partner, if he has one, has been awarded a benefit to which paragraph (1)(*a*) refers; or

(*c*) in equally close contact with the deceased and possesses, together with his partner, if he has one, more capital than the responsible person and his partner and that capital exceeds—

(i) where the close relative or his partner is aged 60 or over, £1,000, or

(a) Regulation 6 was amended by S.R. 1988 Nos. 6 and 22, S.R. 1992 No. 6, S.R. 1993 No. 99 and S.R. 1994 No. 68