1987 No. 150

SOCIAL SECURITY

The Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987

Made . . . . . *30th March 1987*

Coming into operation . . *6th April 1987*

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The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 33(2)(*a*) and 84(1) of the Social Security (Northern Ireland) Order 1986(**a**) and, as regards the consequential amendments in Part VI, by Articles 5 and 6 of the Supplementary Benefits (Northern Ireland) Order 1977(**b**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987 and shall come into operation on 6th April 1987.

Interpretation

2.—(1) In these regulations—

"child" means a person under the age of 16;

"claimant" means a person claiming a social fund payment in respect of maternity or funeral expenses;

"confinement" means labour resulting in the issue of a living child, or labour after 28 weeks of pregnancy resulting in the issue of a child whether alive or dead;

"family" means—

(*a*) a married or unmarried couple and any children who are members of the same household and for whom one of the couple is, or both are, responsible;

(*b*) a person who is not a member of a married or unmarried couple and any children who are members of the same household and for whom that person is responsible;

(*c*) persons who are members of the same household and between whom there is a polygamous relationship and any children who are also members of the same household and for whom a member of the polygamous relationship is responsible;

(a) S.I. 1986/1888 (N.I. 18); Article 33(2)(*a*) was amended by Article 3 of the Social Fund (Maternity and Funeral Expenses) (Northern Ireland) Order 1987 (S.I. 1987/464 (N.I. 8))

(b) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

"family income supplement" means a supplement under section 1 of the Family Income Supplements Act (Northern Ireland) 1971(**a**);

"funeral" means a burial or a cremation;

"funeral payment" is to be construed in accordance with regulation 6;

"housing benefit" means a rate rebate, rent rebate or rent allowance payable under a scheme made under Article 3 of the Housing Benefits (Northern Ireland) Order 1983(**b**);

"married couple" means a man and a woman who are married to each other and are members of the same household;

"maternity payment" is to be construed in accordance with regulation 4;

"occupational pension scheme" has the same meaning as in Article 2(2) of the Social Security Pensions (Northern Ireland) Order 1975(**c**);

"partner" means one of a married or unmarried couple or a member of a polygamous relationship;

"person affected by a trade dispute" means a person—

(*a*) to whom Article 12 of the Supplementary Benefits (Northern Ireland) Order 1977 applies; or

(*b*) to whom that Article would apply if a claim to supplementary benefit were made by or in respect of him;

"responsible member" is to be construed in accordance with regulation 6(1)(*b*);

"single payment of supplementary benefit" means a single payment to meet an exceptional need under Article 5 of the Supplementary Benefits (Northern Ireland) Order 1977;

"supplementary benefit" means a pension or allowance under Article 3 of the Supplementary Benefits (Northern Ireland) Order 1977, or under Article 6 of that Order, but only in the cases specified in regulations 11, 12, 16, 17 and 19 to 22 of the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981(**d**);

"unmarried couple" means a man and a woman who are not married to each other but are living together as husband and wife.

(2) For the purposes of these regulations, two persons who are a married or unmarried couple shall be treated as being or, as the case may be, as having ceased to be members of the same household in the circumstances set out in regulation 2(2) and (3) of the Supplementary Benefit (Aggregation) Regulations (Northern Ireland) 1981(**e**).

(3) For the purposes of these regulations, a person shall be treated as a member of a polygamous relationship where, but for the fact that the relationship includes more than 2 persons, he would be one of a married or unmarried couple.

(**a**) 1971 c. 8 (N.I.)
(**b**) S.I. 1983/1121 (N.I. 14)
(**c**) S.I. 1975/1503 (N.I. 15)
(**d**) S.R. 1981 No. 372; the relevant amending regulations are S.R. 1982 No. 240. S.R. 1983 Nos. 191 and 290 and S.R. 1984 No. 266
(**e**) S.R. 1981 No. 373; the relevant amending regulations are S.R. 1984 No. 266

Provision against double payment

3.—(1) Subject to paragraph (2), no maternity payment shall be made under these regulations if such a payment has already been made in respect of the child in question.

(2) Notwithstanding that a maternity payment has been made to the natural mother of a child or to one of her family, a second such payment may, subject to the following provisions, be made to the adoptive parents of the child in question.

(3) No funeral payment shall be made under these regulations if such a payment has already been made in respect of the funeral expenses in question.

PART II

PAYMENTS FOR MATERNITY EXPENSES

Entitlement to a maternity payment

4.—(1) Subject to regulation 5 and Parts IV and V, a payment to meet maternity expenses (referred to in these regulations as a "maternity payment") shall be made only where—

(*a*) the claimant or the claimant's partner is, in respect of the period during which the claim for a maternity payment is made, in receipt of either supplementary benefit or family income supplement; and

(*b*) either—

(i) 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

(ii) the claimant or the claimant's partner or both of them have adopted a child not exceeding the age of twelve months at the date of the claim; and

(*c*) the claim is made within the period specified for such a claim in regulation 7 of the Social Fund (Maternity and Funeral Expenses) (Claims and Payments) Regulations (Northern Ireland) 1987(**a**).

(2) Subject to Part IV, the amount of a maternity payment shall be—

(*a*) where the claim is made before the confinement, £80 in respect of each expected child;

(*b*) where the claim is made after the confinement, £80 in respect of each child, including any child who is stillborn;

(*c*) where the claim is made after a child has been adopted, £80 in respect of that child.

Persons affected by a trade dispute

5. Where the claimant or the claimant's partner is a person affected by a trade dispute, a maternity payment shall be made only if—

(*a*) in the case where the claimant or the claimant's partner is in receipt of supplementary benefit, the trade dispute has, at the date of the claim for that payment, continued for not less than 6 weeks; or

(a) S.R. 1987 No. 100