1987 No. 100

SOCIAL SECURITY

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

Made	*9th 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 52(1)(*a*) to (*r*) and 55 of the Social Security (Northern Ireland) Order 1986(**a**), section 114 of the Social Security (Northern Ireland) Act 1975(**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) (Claims and Payments) Regulations (Northern Ireland) 1987 and shall come into operation on 6th April 1987.

Interpretation

2. In these regulations—

"the Order" means the Social Security (Northern Ireland) Order 1986;

"the actual date of confinement" means the date of the issue of the child or, if the woman is confined of twins or a greater number of children, the date of the issue of the last of them;

"the adjudicating authority" means the person with responsibility under the Social Security (Northern Ireland) Acts 1975 to 1986(**c**), and regulations made thereunder, for the determination of claims for social fund payments and questions arising in connection with such claims;

"beneficiary" means a person who has been awarded a social fund payment;

"claimant" means a person claiming a social fund payment;

(**a**) S.I. 1986/1888 (N.I. 18)
(**b**) 1975 c. 15; section 114 is amended by the Social Security (Northern Ireland) Order 1986, Schedule 5, paragraph 14 and applied to social fund payments by Article 53(5) of that Order
(**c**) *See* Article 1(2) of the Social Security (N.I.) Order 1986

"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.

"funeral" means burial or cremation;

"social fund payment" means a payment out of the social fund under Article 33(2)(*a*) of the Order, to meet maternity expenses or funeral expenses;

"week" means a period of 7 days beginning with midnight between Saturday and Sunday.

PART II

CLAIMS

Making a claim for a social fund payment

3.—(1) Every claim for a social fund payment shall be made in writing on a form approved by the Department, or in such other manner, being in writing, as the Department may accept as sufficient in the circumstances of any particular case.

(2) Forms of claim shall be supplied without charge by the Department or by such persons as the Department may appoint or authorise for that purpose.

(3) Every claim shall be sent to an office of the Department.

(4) If a claim is defective at the date when it is received, or has been made in writing but not on the form approved for the time being, the Department may refer the claim to the person making it or, as the case may be, supply him with the approved form, and if the form is received properly completed within one month, or such longer period as the Department may consider reasonable, from the date on which it is referred or supplied, the Department shall treat the claim as if it had been duly made in the first instance.

(5) A claim which is made on the approved form for the time being is, for the purposes of paragraph (4) and regulation 5, properly completed if completed in accordance with the instructions on the form and defective if not so completed.

Amendment and withdrawal of claim

4.—(1) A person who has made a claim may amend or withdraw it, at any time before a determination has been made on it, by a notice in writing delivered or sent to an office of the Department and any claim so amended may be treated as if it had been so amended in the first instance.

(2) A notice of withdrawal, delivered or sent in accordance with paragraph (1), shall have effect when it is received.

Date of claim

5. Subject to regulation 7(4), the date on which a claim is made shall be—

(*a*) in the case of a claim which meets the requirements of regulation 3(1) the date on which it is received in an office of the Department;

(*b*) in the case of a claim which does not meet the requirements of regulation 3(1) but which is treated, under regulation 3(4), as having been duly made, the date on which the claim was received in an office of the Department in the first instance.

Evidence, information and attendance

6.—(1) Every person who makes a claim for a social fund payment shall furnish such certificates, documents, information and evidence in connection with the claim, or any question arising out of it, as may be required by the Department and shall do so within one month of being required to do so, or such longer period as the Department may consider reasonable.

(2) Every claimant shall attend at such office or place as the Department may direct, for the purpose of furnishing certificates, documents, information and evidence under paragraph (1), if reasonably so required by the Department.

Time for making a claim

7.—(1) A claim for a social fund payment for maternity expenses may be made no earlier than 11 weeks before the expected week of confinement and, subject to paragraph (3), no later than 3 months after the actual date of confinement or, in the case of an adopted baby, subject to paragraph (4), the date of the adoption order.

(2) A claim for a social fund payment for funeral expenses may be made no earlier than the date of death of the deceased and, subject to paragraph (3), no later than 3 months after the date of the funeral.

(3) Where the claimant makes a claim on a date between 3 and 12 months from the actual date of confinement or, as the case may be, the funeral and proves that there was good cause, throughout the period from the expiry of the 3 months, for the failure to make the claim before it was made, the time prescribed by paragraph (1) or, as the case may be, (2) shall be extended to the date on which the claim is made.

(4) Where a claimant for maternity expenses in respect of an adoption makes a claim on a date between 3 and 12 months from the date of the adoption order and proves that there was good cause, throughout the period from the expiry of the 3 months, for the failure to make the claim before it was made, the claim shall be treated as if it had been made immediately before the expiry of the 3 months.

PART III

PAYMENTS

Time and manner of payment

8. Subject to the provisions of Part IV (Third Parties), a social fund payment shall be made to a beneficiary under an award as soon as is reasonably practicable after the award has been made, by means of such instrument of payment as appears to the Department to be appropriate in the circumstances of any particular case.