1975 No. 105

SOCIAL SECURITY

The Social Security (Death Grant) Regulations (Northern Ireland) 1975

Made . . . . . *4th April* 1975

Coming into operation . . . . *6th April* 1975

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 32(4), 82(6)(*a*) and 119(3) of the Social Security (Northern Ireland) Act 1975(**a**), and section 2 of, and paragraphs 3 and 9 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975(**b**), 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 Security (Death Grant) Regulations (Northern Ireland) 1975 and shall come into operation on 6th April 1975.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Social Security (Northern Ireland) Act 1975;

"qualifying contributor" means a person who satisfies the contribution condition specified for death grant in paragraph 7 of Part I of Schedule 3 to the Act;

and other expressions have the same meanings as in the Act.

(3) Unless the context otherwise requires, any reference in these regulations to—

(*a*) a numbered paragraph is a reference to the paragraph of the regulation bearing that number;

(*b*) any provision made by or contained in an enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**c**) shall apply for the purposes of the interpretation of this statutory rule as they apply for the purposes of the interpretation of an Act of Parliament.

Death grant in respect of children

2.—(1) A death grant shall be payable, subject to paragraph (2), in respect of the death of a child, notwithstanding that it is not payable under section 32(1) (persons in respect of whose death a grant may be paid), if either—

(*a*) one of the child's parents is or was a qualifying contributor; or

(a) 1975 c. 15 (b) 1975 c. 18 (c) 1889 c. 63

(*b*) a qualifying contributor was immediately before the child's death entitled to an increase of benefit in respect of the child under section 41, or would have been so entitled had he then been entitled to any benefit in respect of which that section provides an increase.

(2) The amount of the grant payable by virtue of paragraph (1) shall not exceed the amount of the funeral expenses except that this limitation shall not apply where, had the child been in Northern Ireland, he would have been a child of the family of a parent who is a qualifying contributor.

(3) In this regulation "parent" includes a person who has adopted the child pursuant to an order made in the United Kingdom, the Channel Islands or the Isle of Man or to a foreign adoption within the meaning of section 4 of the Adoption (Hague Convention) Act (Northern Ireland) 1969(d).

Death grant in respect of certain young persons over the minimum school leaving age and incapacitated young persons over the age of 16 *and under the age of* 19

3. Where a death grant is not payable by virtue of section 32(1), in respect of the death of any person who either—

(*a*) was a child either at his death or at any time during the tax year in which he died or the preceding tax year; or

(*b*) was at his death over the age of 16 and under the age of 19 and was then incapacitated by reason of illness or disability of mind or body for a prolonged period for regular employment;

a death grant shall nevertheless be payable if it would have been payable by virtue of section 32(2)(*b*) or (*c*), or of regulation 2, had he still been a child when he died.

Suspension of payment of death grant pending an appeal

4. Where a notice of appeal by an insurance officer to a Commissioner from an award of a death grant by a local tribunal is given or sent to the claimant within 21 days of the date on which an insurance officer received the record of the tribunal's decision, payment of the grant shall be suspended until the appeal has been determined.

Imprisonment and detention in legal custody

5.—(1) A person shall not be disqualified from receiving a death grant if he is undergoing a period of imprisonment or detention in legal custody, but, subject to paragraph (2), the payment of the grant shall be suspended during any such periods.

(2) A death grant may be paid, during any period of suspension under paragraph (1), to any person appointed by the Department to receive and deal with it on behalf of the beneficiary; and a receipt given by that person shall be a good discharge to the Department and the National Insurance Fund for any sum so paid.

Payment of a death grant pending determination of a claim and without due proof of the satisfaction of the relevant conditions

6.—(1) Where, under arrangements made by the Department with the consent of the Department of Finance for the purpose of dealing with an emergency—

(*a*) a death grant has been paid pending a determination of a claim for it; and

(d) 1969 c. 22 (N.I.)