STATUTORY INSTRUMENTS

2020 No. 600

SOCIAL SECURITY

The Social Fund and Social Security (Claims and Payments) (Amendment) Regulations 2020

Made - - - -	*16th June 2020*
Laid before Parliament	*18th June 2020*
Coming into force - -	*9th July 2020*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 138(1)(a), (2) and (4) and 175(1), (3), (4) and (5) of the Social Security Contributions and Benefits Act 1992(**a**), and sections 1(1), 5(1)(a), (i) and (q), 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992(**b**).

The Secretary of State, considering that the authorisation of the use of electronic communications by these Regulations for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases, makes the following Regulations in exercise of the powers conferred by sections 8 and 9(5) of the Electronic Communications Act 2000(**c**).

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(**d**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Social Fund and Social Security (Claims and Payments) (Amendment) Regulations 2020 and come into force on 9th July 2020.

(2) Subject to paragraph (3), these Regulations extend to England and Wales and Scotland.

(3) Regulation 2 extends to England and Wales only.

(**a**) 1992 c. 4. Section 138 was substituted by section 70(1) of the Social Security Act 1998 (c. 14) and sub-section (1)(a) was amended by Part 8 of Schedule 14 to the Welfare Reform Act 2012 (c. 5). Section 138(4) is cited for the meaning of "prescribed". Section 175(1) was amended by Schedule 3, paragraph 29(1) and (2), to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and section 175(4) was amended by paragraph 29(1) and (4) of that Schedule. Section 175(5) was amended by paragraph 36 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c. 18).

(**b**) 1992 c. 5. Section 189(1) was amended by Schedule 3, paragraph 57, to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), and Schedule 6, paragraph 1, to the Tax Credits Act 2002 (c. 21). Section 189(4) was amended by S.I. 2013/252. Section 189(1), (4) and (5) was also amended by paragraph 109 of Schedule 7, and Schedule 8, to the Social Security Act 1998 (c. 14). Section 191 is cited for the meanings of "benefit" and "prescribe".

(**c**) 2000 c. 7.

(**d**) *See* section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

Amendments to the Social Fund Maternity and Funeral Expenses (General) Regulations 2005

2.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005(**a**) are amended as follows.

(2) In regulation 9 (amount of funeral payment) in paragraph (3)(a)(ii) after "where the burial takes place," for "or" substitute "and".

Amendments to the Social Fund Cold Weather Payments (General) Regulations 1988

3.—(1) The Social Fund Cold Weather Payments (General) Regulations 1988(**b**) are amended as follows.

(2) In paragraph 2 of regulation 1 (citation, commencement and interpretation)—

(a) in the definition of "mean daily temperature" for "station" substitute "site";

(b) for the definition of "station" substitute—

> ""site" means a site accredited by the Met Office in relation to which a period of cold weather may be forecasted or recorded for the purposes of these Regulations;".

(3) In paragraphs (1), (1A), (1B), (2) and (7) of regulation 2 (prescribed circumstances) for "station" substitute "site" wherever it occurs.

(4) In the heading of regulation 2A (designation of primary and secondary stations) for "stations" substitute "sites".

(5) In regulation 2A for "station" substitute "site" in both places.

(6) In paragraph 6 of regulation 2C (review and variation of designations) for "station" substitute "site".

Amendment of the Social Security (Claims and Payments) Regulations 1987

4.—(1) The Social Security (Claims and Payments) Regulations 1987(**c**) are amended as follows.

(2) In paragraph (2) of regulation 4ZC (electronic claims for benefit)(**d**), after sub-paragraph (k) insert—

> "(l) a social fund funeral payment;
>
> (m) a social fund payment in respect of maternity expenses;
>
> (n) maternity allowance.".

(3) In paragraph (4B) of regulation 30 (payments on death)(**e**)—

(a) in sub-paragraph (a), insert at the end "and"; and

(b) omit sub-paragraphs (c) and (d).

(4) In paragraph (2) of regulation 32ZA (information given electronically)(**f**), after sub-paragraph (k) insert—

> "(l) a social fund payment in respect of maternity expenses;
>
> (m) maternity allowance.".

(5) In paragraph 2(1) to Schedule 9ZC (conditions for the use of electronic communication)(**g**) after paragraph (l), insert—

(**a**) S.I. 2005/3061. Relevant amending instrument is S.I. 2018/61.
(**b**) S.I. 1988/1724. Relevant amending instruments are S.I. 1991/2238, S.I. 1996/2544, S.I. 1997/2311 and S.I. 2016/876.
(**c**) S.I. 1987/1968.
(**d**) Regulation 4ZC(2) was inserted by S.I. 2003/2800 and amended by S.I. 2016/544, S.I. 2017/422 and S.I. 2020/456.
(**e**) Regulation 30(4B) was inserted by S.I. 2007/2470 and amended by S.I. 2015/1985.
(**f**) Regulation 32ZA(2) was inserted by S.I. 2003/2800 and relevant amending instruments are S.I. 2011/1498 and S.I. 2018/61.
(**g**) Schedule 9ZC was inserted by S.I. 2003/2800 and amended by S.I. 2016/544, S.I.2017/422, S.I. 2018/61 and S.I. 2020/456.

"(m)a social fund payment in respect of maternity expenses;

(n) maternity allowance.".

Signed by authority of the Secretary of State for Work and Pensions

Stedman-Scott
Parliamentary Under Secretary of State
Department for Work and Pensions

16th June 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 (S.I. 2005/3061), the Social Fund Cold Weather Payments (General) Regulations 1988 (S.I. 1988/1724) and the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968).

Regulation 1 specifies that with the exception of regulation 2, the instrument extends to England and Wales and Scotland. Regulation 2 extends to England and Wales only because funeral payments have become a devolved matter for Scotland in accordance with the changes made by the Scotland Act 2016.

Regulation 2 substitutes "or" with "and" in regulation 9(3)(a)(ii) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 to clarify that claims may be made for both the fees levied for the provision and maintenance of the place where the burial takes place, and the fees levied by a private grave digger.

Regulation 3 substitutes the definition of the word "station" with the definition of the word "site" in the Social Fund Cold Weather Payments (General) Regulations 1988. It also substitutes the word "station" with the word "site" wherever it occurs in those Regulations. This is so the Regulations reflect the manner in which the Met Office are predicting temperatures.

Regulation 4 amends the Social Security (Claims and Payments) Regulations 1987. Paragraph (2) amends regulation 4ZC to allow electronic claims to be made for social fund funeral payments, a social fund payment in respect of maternity expenses, and maternity allowance.

Paragraph (3) amends regulation 30(4B). Where a State Pension or State Pension Credit claimant dies, any outstanding payments of those benefits can be made to relatives or other qualifying people. A written application had to be made by that person (except where they were the spouse or civil partner of the claimant). This amendment enables the outstanding payments to be made to any person who qualifies without them having to make a written application.

Paragraph (4) amends regulation 32ZA(2) to allow for a person to give notice or evidence by electronic communication for a social fund payment in respect of maternity expenses and maternity allowance.

Paragraph (5) amends Schedule 9ZC to allow for electronic communications in claims of a social fund payment in respect of maternity expenses and maternity allowance.

The use of electronic communication by claimants must be in accordance with a direction of the Secretary of State. The direction will be deposited in the libraries of both Houses of Parliament and will be available online at:

https://www.gov.uk/government/publications/the-social-security-electronic-communications-directions

Hard copies can be obtained by writing to the Legislation Team, the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.

© Crown copyright 2020

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

UK202006161012 06/2020 19585

http://www.legislation.gov.uk/id/uksi/2020/600

ISBN 978-0-34-820863-4

9 780348 208634