EXPLANATORY MEMORANDUM TO

THE SOCIAL FUND FUNERAL EXPENSES PAYMENT (CORONAVIRUS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2020

S.R. 2020 No. 62

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is to be laid before the Northern Ireland Assembly.

1.2. These Regulations are made under sections 134(1)(a) and (4) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

2. Purpose

2.1. These Regulations amend the provisions relating to funeral expenses payments from the Social Fund and increase the limit allowed for other costs from £700 to £1,000 for deaths which occur on or after 08th April 2020.

3. Background

Legislative Context

3.1. The Social Fund is constituted under Part VIII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992. The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 made under that Part set out the conditions for eligibility and payment of payments to meet funeral costs for those in receipt of certain means-tested benefits. This Statutory Rule is being made to increase the amount for any other funeral expenses from "shall not exceed £700 in any case" to "shall not exceed £1,000 in any case", in respect of a death that occurs on or after 08th April 2020.

Policy Background

3.2. Social Fund Funeral Expenses Payments help eligible claimants with the cost of arranging a funeral. Funeral Expenses Payments meet the full, necessary costs of a cremation or burial; these are broadly, the cost of purchasing a grave with exclusive burial rights, basic crematorium or burial fees, the costs of necessary documentation and (in some cases) transport of the deceased's body. An additional discretionary element can be used to help pay for items such as flowers, car hire, the funeral ceremony and funeral director charges for making the arrangements. The discretionary element is capped at £700 (or £120 where the claimant is provided with some items or services under a pre-paid funeral plan).

3.3. The decision has been made that the current £700 cap for the discretionary element will be increased to £1,000 for all cases.

4. Consultation

4.1. These are emergency regulations in response to the Covid-19 pandemic. Given the urgency of these regulations the Department for Communities has not undertaken a public consultation.

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on proposals for these Regulations and concluded that they do not have significant implications for equality of opportunity. In light of this, the Department considered that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. There is no, or no significant, impact on business, charities or voluntary bodies or on the public sector.

7. Financial Implications

7.1. Consideration will be given to the impact of the COVID-19 measures in terms of both DEL and AME costs. However as Northern Ireland shall be maintaining parity with Great Britain we are not expecting any financial issues.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that these Regulations:

a) are not incompatible with any of the Convention rights;

b) are not incompatible with Community law;

c) do not discriminate against a person or class of person on the ground of religious belief or political opinion; and

d) do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The corresponding Great Britain Regulations are The Social Fund Funeral Expenses Payment (Coronavirus) (Amendment) Regulations 2020 (no relevant SI number as not yet made).

10.2. In line with the long-standing policy of parity in social security, The Social Fund Funeral Expenses Payment (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020 will come into operation on the same date as the corresponding Great Britain Regulations. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.

11. Additional Information

11.1. Not applicable.