STATUTORY INSTRUMENTS

1989 No. 379

SOCIAL SECURITY

The Social Fund Maternity and Funeral Expenses (General) Amendment Regulations 1989

Made - - - -	*8th March 1989*
Laid before Parliament	*10th March 1989*
Coming into force	*1st April 1989*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 32(2)(a) and 84(1) of the Social Security Act 1986(a) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it(b), hereby makes the following Regulations:–

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund Maternity and Funeral Expenses (General) Amendment Regulations 1989 and shall come into force on 1st April 1989.

(2) In these Regulations "the General Regulations" means the Social Fund Maternity and Funeral Expenses (General) Regulations 1987(c).

Amendment of regulation 3 of the General Regulations

2. For paragraph (2) of regulation 3 of the General Regulations (interpretation) there shall be substituted the following paragraph –

> "(2) For the purposes of these Regulations, persons are to be treated as not being members of the same household in the circumstances set out in regulation 16(2) and (3) of the Income Support (General) Regulations 1987(d).".

Amendment of regulation 7 of the General Regulations

3. In regulation 7 of the General Regulations (entitlement to payments for funeral expenses)–

(a) in paragraph (1)(a) for the words "either income support, family credit or housing benefit" there shall be substituted the words "income support, family credit, housing benefit or community charge benefits(e)";

(a) 1986 c.50; section 32(2)(a) was amended by section 1 of the Social Fund (Maternity and Funeral Expenses) Act 1987 (c.7) and section 84(1) is cited only for the definitions of "prescribed" and "regulations".
(b) *See* section 10(2)(b) of the Social Security Act 1980 (c.30) and section 61(1)(b) of the Social Security Act 1986.
(c) S.I. 1987/481, amended by S.I. 1988/36.
(d) S.I. 1987/1967, amended by S.I. 1988/663.
(e) *See* section 20(1) of the Social Security Act 1986 (c.50); reference to community charge benefits was inserted by section 135 of, and Schedule 10 to, the Local Government Finance Act 1988 (c.41).

(b) after paragraph (2) there shall be inserted the following paragraph–

"(3) In this regulation, any reference to housing benefit includes a reference, in Scotland, to housing benefit in the form of a community charge rebate(a).".

Amendment of regulation 9 of the General Regulations

4. In regulation 9 of the General Regulations (effect of capital)–

(a) for paragraph (2) there shall be substituted the following paragraph –

"(2) For the purposes of paragraph (1) –

(a) any capital possessed by any person whose capital is, for the purposes of entitlement to income support, treated as that of the claimant by virtue of section 22(5) of the Social Security Act 1986 or the provisions of regulation 23(3) of the Income Support (General) Regulations 1987(b) (calculation of income and capital) shall be treated as that of the claimant; and

(b) subject to paragraph (3), the claimant's capital shall be calculated in the same manner as his capital is calculated under the Income Support (General) Regulations 1987 for the purposes of determining his entitlement to income support.";

(b) after paragraph (2) there shall be inserted the following paragraph –

"(3) For the purposes of paragraph (1) –

(a) any sum acquired by the claimant (whether as a loan or otherwise) on the express condition that it is to be used to meet the funeral expenses in respect of which the claim is made shall be disregarded;

(b) in the case of a claim for a maternity payment or a funeral payment which is made within 12 months of the death of the husband of the claimant, any lump sum payable to that claimant as a widow by virtue of section 24 of the Social Security Act 1975(c) shall be disregarded;

(c) the amount of any payment out of capital, other than capital disregarded under sub-paragraphs (a) and (b) above or under regulation 47 of, and Schedule 10 to, the Income Support (General) Regulations 1987 (capital disregards), which has already been made towards the funeral expenses (whether or not the expenses are within the scope of regulation 7(2)) shall be added back to that capital as if the payment had not been made.".

Revocation of regulation 10 of the General Regulations

5. Regulation 10 of the General Regulations (assessment of capital) shall be revoked.

Signed by authority of the Secretary of State for Social Security.

Peter Lloyd
Parliamentary Under-Secretary of State,
Department of Social Security

8th March 1989

(a) *See* section 28 of the Social Security Act 1986; reference to community charge rebate was inserted by S.I. 1988/1483.
(b) S.I. 1987/1967, amended by S.I. 1988/1228.
(c) 1975 c.14; section 24 was substituted by section 36(1) of the Social Security Act 1986.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Social Fund Maternity and Funeral Expenses (General) Regulations 1987 ("the General Regulations").

They make provision for persons in Scotland awarded community charge rebate in the year beginning 1st April 1989 and thereafter for persons in Great Britain awarded community charge benefits, to be eligible for a funeral payment (regulation 3).

They substitute a new paragraph for paragraph (2) of regulation 3 of the General Regulations to clarify the interpretation provisions in regard to treatment as members of a household (regulation 2); and amend the provisions dealing with capital to make it clear that, apart from those modifications which are specified, capital is to be calculated as for income support purposes (regulations 4 and 5).