1994 No. 68

SOCIAL SECURITY

The Social Fund (Maternity and Funeral Expenses) (General) (Amendment) Regulations (Northern Ireland) 1994

Made	*2nd March 1994*
Coming into operation . .	*1st April 1994*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 134(1)(*a*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) 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 Fund (Maternity and Funeral Expenses) (General) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 1st April 1994.

(2) In these regulations "the principal regulations" means the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(**b**).

(3) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of regulation 2 of the principal regulations

2. In regulation 2 of the principal regulations (interpretation)—

(*a*) after the definition of "claimant" the following definition shall be inserted—

" "close relative" means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister or partner of any of the preceding persons;";

(*b*) for the definition of "responsible member" the following definition shall be substituted—

" "responsible person" is to be construed in accordance with regulation 6(1)(*b*);".

(**a**) 1992 c. 7

(**b**) S.R. 1987 No. 150; relevant amending regulations are S.R. 1988 Nos. 6 and 22, S.R. 1989 No. 71, S.R. 1990 No. 132, S.R. 1992 Nos. 6 and 394 and S.R. 1993 No. 99

(**c**) 1954 c. 33 (N.I.)

Amendment of regulation 6 of the principal regulations

3. In regulation 6 of the principal regulations (entitlement to a funeral payment)—

(*a*) for paragraph (1)(*b*) there shall be substituted—

"(*b*) the claimant (in this Part referred to as "the responsible person") accepts responsibility for the costs of a funeral and—

(i) the responsible person was the partner of the deceased, or

(ii) where the responsible person or that person's partner was a close relative of the deceased, it is reasonable for the responsible person to accept responsibility for those costs and there is no other person who was equally or more closely related to the deceased whom, on comparing that other person's income and capital with that of the responsible person and taking account of the nature and extent of that other person's contact with the deceased, it is reasonable to expect to meet those costs, or

(iii) where neither head (i) or (ii) applies, it is reasonable in view of the extent of the responsible person's or partner's acquaintanceship with the deceased for that person to accept responsibility for those costs, and";

(*b*) in paragraph (2) for "responsible member" each time it appears there shall be substituted "responsible person".

Amendment of regulation 7 of the principal regulations

4. In regulation 7 of the principal regulations (deductions from an award of a funeral payment) for "responsible member" each time it appears there shall be substituted "responsible person".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 2nd March 1994.

(L.S.) *W. G. Purdy*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend regulations 2, 6 and 7 of the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987 by amending the conditions which a person must satisfy to be entitled to a funeral payment from the Social Fund.

These regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.