

2011 No. 100

SOCIAL SECURITY

The Social Fund Maternity Grant Amendment Regulations 2011

<i>Made</i> - - - -	<i>19th January 2011</i>
<i>Laid before Parliament</i>	<i>20th January 2011</i>
<i>Coming into force</i>	<i>24th January 2011</i>

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

The Secretary of State referred the proposals for these Regulations to the Social Security Advisory Committee(c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund Maternity Grant Amendment Regulations 2011 and shall come into force on 24th January 2011.

(2) In these Regulations, “the principal Regulations” means the Social Fund Maternity and Funeral Expenses (General) Regulations 2005(d).

[Regulation 2 inserts regulations 4A & 5A and amends regulation 5 of S.I. 2005/3061.]

Transitional provisions

3.—(1) The amendments made by regulation 2(3)(a) and (4) do not apply in a case where any of paragraphs (2) to (7) apply.

(2) This paragraph applies in a case where—

- (a) the claimant falls within regulation 5(3)(a) of the principal Regulations;
- (b) the claim is made before C’s birth;
- (c) the claim is made before 11th April 2011; and
- (d) the expected date of confinement is before 11th April 2011.

(3) This paragraph applies in a case where—

- (a) the claimant falls within regulation 5(3)(a) or (b) of the principal Regulations;
- (b) the claim is made after C’s birth; and

(a) 1992 c. 4; section 138(4) is an interpretation provision and is cited because of the meaning given to the word “prescribed”. Amendments not relevant to these Regulations have been made to section 175(1) and (4).

(b) 1992 c. 5. Section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”. Amendments not relevant to these Regulations have been made to sections 5 and 189(1), (4) and (5).

(c) See sections 172 and 174 of the Social Security Administration Act 1992 (c. 5).

(d) S.I. 2005/3061 as amended by S.I. 2010/2760. Other amendments not relevant to these Regulations have also been made.

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- (c) C is born before 11th April 2011.
- (4) This paragraph applies in a case where—
 - (a) the claimant falls within regulation 5(3)(c) of the principal Regulations; and
 - (b) the qualifying order is made before 11th April 2011.
- (5) This paragraph applies in a case where—
 - (a) the claimant falls within regulation 5(3)(d) of the principal Regulations; and
 - (b) the appointment as guardian takes effect before 11th April 2011.
- (6) This paragraph applies in a case where—
 - (a) the claimant falls within regulation 5(3)(e) of the principal Regulations; and
 - (b) the child is placed for adoption with the claimant or the claimant's partner before 11th April 2011.
- (7) This paragraph applies in a case where—
 - (a) the claimant falls within regulation 5(3)(f) of the principal Regulations; and
 - (b) the adoption referred to in that provision takes effect before 11th April 2011.
- (8) In this regulation—
 - (a) "C" means the child or still-born child in respect of whom a Sure Start Maternity Grant is claimed;
 - (b) "child", "claimant", "confinement", "guardian", "qualifying order", "placed for adoption", "still-born child" and Sure Start Maternity Grant have the meanings given in the principal Regulations.

[Regulation 4 amends Schedule 4 column (2) at paragraph 8.]

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

19th January 2011

Steve Webb
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 (“the 2005 Regulations”) and the Social Security (Claims and Payments) Regulations 1987.

Regulation 2 amends the 2005 Regulations to provide that a Sure Start Maternity Grant is payable only where the child in respect of whom the Grant is claimed is the sole member of the claimant’s family who is under sixteen years of age, except where (a) the claim relates to a child who is one of two or more children born as a result of the same pregnancy, and it is those siblings who are under sixteen; or (b) the child’s mother (or other parent if the child is living in their household and not with the mother) is under twenty years of age, has no other child of theirs in the household (except in the case of a multiple birth) and is the claimant’s dependant. (These amendments in relation to eligibility for Sure Start Maternity Grants have effect subject to the transitional provisions in regulation 3).

Regulation 2 also adds to the 2005 Regulations a definition for the purposes of Sure Start Maternity Grants as to when a person is to be treated as “responsible for” a child; and amends regulation 5(3) to make clear that a claimant responsible for a parent of a child (who is not the mother) may be awarded a Sure Start Maternity Grant for the child. (These changes are not subject to the transitional provisions in regulation 3).

Regulation 4 amends Schedule 4 to the Social Security (Claims and Payments) Regulations 1987 so that the time for claiming for a claimant to whom regulation 5(3)(b) of the 2005 Regulations applies is three months from the date on which the claimant becomes responsible for the child.

The Report of the Social Security Advisory Committee dated 6 January 2011 on the Secretary of State’s proposal to make these Regulations, together with a statement showing the extent to which these Regulations give effect to the recommendations of the Committee and, in so far as they do not give effect to them, the reasons why not, are contained in an Act Paper published by The Stationery Office Ltd.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.

