

1997 No. 792

SOCIAL SECURITY

**The Social Security (Social Fund and Claims
and Payments) (Miscellaneous Amendments)
Regulations 1997**

<i>Made</i> - - - -	<i>12th March 1997</i>
<i>Laid before Parliament</i>	<i>17th March 1997</i>
<i>Coming into force</i>	<i>7th April 1997</i>

The Secretary of State for Social Security, in exercise of the powers conferred on 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), (3) and (4) and 191 of the Social Security Administration Act 1992(b) and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Social Fund and Claims and Payments) (Miscellaneous Amendments) Regulations 1997 and shall come into force on 7th April 1997.

- [Regulation 1(2) revoked by Sch. to S.I. 2005/3061 as from 5.12.05.]
- [Regulations 2-7 revoked by Sch. to S.I. 2005/3061 as from 5.12.05.]
- [Regulation 8 amends paragraph 8 of Schedule 4 to S.I. 1987/1968.]
- [Regulation 9 revoked by Sch. to S.I. 2005/3061 as from 5.12.05.]

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

12th March 1997

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

(a) 1992 c. 4; section 138 (4) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
(b) 1992 c. 5; section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
(c) See section 172(1) of the Social Security Administration Act 1992 (c. 5).

EXPLANATORY NOTE*(This note is not part of the Regulations)*

These Regulations amend the Social Fund Maternity and Funeral Expenses (General) Regulations 1987 (S.I. 1987/481 as amended) (“the General Regulations”) and the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968 as amended) (“the Claims and Payments Regulations”) in so far as those Regulations relate to claims for payment of maternity and funeral expenses.

In particular, regulation 5 codifies the provisions of the General Regulations whereby the conditions for entitlement to, and payment of, funeral payments are prescribed.

In addition, these Regulations amend the General Regulations by—

- providing simplified criteria relating to which funeral costs may be met (regulation 5 (in relation to the new regulation 7A));
- providing that only one funeral payment award may be made in respect of each death (regulation 3(b));
- providing that maternity payments may be made in respect of children in respect of whom there has been a parental order under the Human Fertilisation and Embryology Act 1990 (regulation 4(2) (c) and (3)) and that such payments may be made both to the birth parents and to the persons granted a parental order (regulation 3(a));
- providing that no funeral payment may be made in certain circumstances, where there are immediate family members or absent parents of the deceased (as defined for the purpose of the General Regulations) (regulations 2(2) (a) and (b) and 5 (in relation to the new regulation 7(1) (e) (ii) and (iii), (3) and (4));
- treating the deceased, in certain circumstances, as if he had no partner at the date of death (regulation 5 (in relation to the new regulation 7(2)));
- providing that where the deceased is a child or a still-born child, the responsible person shall, unless there is an absent parent who is not in receipt of a qualifying benefit, be the person responsible for that child (regulation 5 (in relation to the new regulation 7(1) (e) (ii)));
- introducing new rules as to what types of payment may be disregarded when making deductions from funeral payments and clarifying what is meant by a funeral plan deducted from a funeral payment and providing that certain amounts should be disregarded for the purpose of such deductions (regulation 6);
- clarifying the position relating to partners of claimants who are in long-term care (regulation 2(3));
- correcting technical errors relating to the qualifying benefits for a funeral payment and to . . . rules on capital and making consequential amendments (regulations 2(2) (c) and (d), 5 (in relation to the new regulation 7(1) (a) (i)) and 7).

These Regulations also amend the Claims and Payments Regulations by amending the period during which claims for maternity payments may be made (regulation 8).

Regulation 9 provides a transitional provision relating to certain provisions in respect of claims for funeral payments in respect of deaths occurring before 7th April 1997.

The Report of the Social Security Advisory Committee dated 13th February 1997 on the proposals referred to them in 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 Command Paper Cm 3585, published by the Stationery Office Ltd. These Regulations do not impose a charge on business.