



Statutory Document No. 114/97

THE SOCIAL SECURITY ACT 1986

THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992

THE SOCIAL FUND MATERNITY AND FUNERAL EXPENSES (GENERAL)
(ISLE OF MAN) AMENDMENT REGULATIONS 1997

Approved by Tynwald 15th April 1997

Coming into operation in accordance with regulation 1

The Department of Health and Social Security in exercise of the powers contained in section 138(1)(a) of the Social Security Contributions and Benefits Act 1992(a) and section 84(1) of the Social Security Act 1986(b) (Acts of Parliament) as they have effect in the Isle of Man, and of all other enabling powers, 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) (Isle of Man) Amendment Regulations 1997 and shall come into operation when they are approved by Tynwald.

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

Amendment of regulation 2 of the General Regulations

2. (1) Regulation 2 of the General Regulations (Interpretation) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1) -

(a) after the definition of "the Act" insert -

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations 1996(d);".

(a) 1992 c.4; (b) 1986 c.50; (c) G.C. 119/87; (d) S.I. 1996/207.

(b) for the definition of "child" substitute -

"child" means a person under the age of 16 or a young person within the meaning of regulation 76 of the Jobseeker's Allowance Regulations;"

(c) after the definition of "funeral payment" insert -

"income-based jobseeker's allowance" has the same meaning in these Regulations as it has in the Jobseekers Act 1995(a) by virtue of section 1(4) of that Act;"

(d) after paragraph (1), there shall be inserted the following paragraph -

"(1A) For the purposes of Part III of these Regulations, persons are to be treated as being members of the same household where such persons were partners and either or both or any or all of those persons are permanently in residential accommodation or a residential care home or a nursing home as defined for the purposes of the Supplementary Benefit (Requirements) Regulations or, as the case may be, the Jobseeker's Allowance Regulations."

(3) In paragraph (2) after the words "Regulations 1981" insert the words "or, as the case may be, in regulation 78(2) and (3)(a) to (c) of the Jobseeker's Allowance Regulations".

Amendment of regulation 4 of the General Regulations

3. In regulation 4(1)(a) of the General Regulations (entitlement to a maternity payment), after the words "supplementary benefit" there shall be inserted the words ", income-based jobseeker's allowance".

Amendment of regulation 5 of the General Regulations

4. In regulation 5(a) of the General Regulations (persons affected by a trade dispute), after the words "supplementary benefit", there shall be inserted the words "or income-based jobseeker's allowance".

Amendment of regulation 6 of the General Regulations

5. (1) Regulation 6 of the General Regulations (entitlement to a funeral payment) shall be amended in accordance with the following paragraphs.

(2) In paragraph (5B) -

(a) at the beginning there shall be inserted the words "Except in a case where paragraph (5C) applies,";

(b) in sub-paragraph (c)(ii) for "£500" substitute "£1,000".

(a) 1995 c.18.

(3) After paragraph (5B) there shall be inserted the following paragraph -

"(5C) Paragraph (5B) shall not apply where the close relative who was in closer contact with the deceased than the responsible person, or, as the case may be, was in equally close contact with the deceased -

- (a) was a child as at the date of death; and
- (b) there is no other close relative (not being a child) to whom any of sub-paragraphs (a) to (c) of paragraph (5B) apply."

(4) In paragraph (6), after the words "Subject to" there shall be inserted the words "paragraph (10),".

(5) In paragraph (8) -

(a) for sub-paragraph (a) there shall be substituted the following sub-paragraph

"(a) in the case of a burial -

- (i) the necessary costs of purchasing a new burial plot which is suitable for the deceased, together with an exclusive right of burial in that plot; and
- (ii) the necessary costs of the burial;";

(b) for head (ii) of sub-paragraph (c), there shall be substituted the following head -

"(ii) the fee payable, or the amount of any donation to a Minister of religion and for the use of the church or other place of worship, to the extent that -

(aa) such fees or donations relate to an item or service specified in respect of a funeral or burial in an order under section 18 of the Burials Act 1986 (an Act of Tynwald) or in a parochial fees order under section 1 of the Ecclesiastical Fees Measure 1986, as it has effect in the Isle of Man, being an order in force at the date of the funeral; and

(bb) the total amount of such fees or donations does not exceed the appropriate fee specified in any such order;".

(6) After paragraph (8) insert -

"(9) No funeral payment shall be made in respect of items and services specified in regulation 6(7) and (8) which have been provided on the death of the deceased under a pre-paid funeral plan."

Amendment of regulation 7 of the General Regulations

6. In regulation 7 of the General Regulations (deductions from an award of a funeral payment), after paragraph (c) insert -

- "(d) the amount of any funeral grant made out of public funds, in respect of the death of a person who was entitled to a war disablement pension;
- (e) the amount of any sum payable under a pre-paid funeral plan in order to meet the deceased's funeral expenses where the plan has not been paid for in full prior to the death of the deceased".

Amendment of regulation 8 of the General Regulations

7. (1) Regulation 8 of the General Regulations (effect of capital) shall be amended in accordance with the following paragraph.

(2) For paragraph (2) substitute -

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

- (a) any capital possessed by any person whose capital is, for the purposes of entitlement to supplementary benefit, treated as that of the claimant by virtue of the provisions of paragraph 3(2) of Schedule 1 to the Supplementary Benefits Act 1976 or, as the case may be, of regulation 88(4) of the Jobseeker's Allowance Regulations 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 this capital is calculated under the Supplementary Benefit (Resources) Regulations 1981 or, as the case may be, under the Jobseeker's Allowance Regulations for the purposes of determining his entitlement to supplementary benefit or, as the case may be, income-based jobseeker's allowance."

Made 17th March 1997

Mrs C M Christian BSc M.L.C.
Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Fund Maternity and Funeral Expenses (General) (Isle of Man) Regulations 1987 by:

- providing that income-based jobseeker's allowance is to be a qualifying benefit for the purpose of obtaining a maternity payment or funeral payment and making consequential amendments (regulations 2(2)(a) and (c), 3 and 4);
- treating claimants or partners of claimants who are receiving long term care in residential care or nursing homes as members of the household (regulations 2(2)(d) and (3));
- excluding children and young persons from consideration when determining whether the responsible person is entitled to a funeral payment (regulation 5(2) and (3));
- providing that funeral payments should not be made in respect of items covered by a pre-paid funeral plan (regulation 5(4) and (6)) and that sums received under such a plan should be deducted from funeral payments (regulation 6);
- providing that funeral payments are to be reduced by any amount payable out of public funds in respect of a person who was entitled to a war disablement pension;
- clarifying the allowable costs in respect of a burial and in respect of fees and donations paid to Ministers or for the use of churches and other places of worship (regulation 5(5)).