Statutory Document No. 106/02

THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992

THE MATERNITY AND FUNERAL EXPENSES (GENERAL) (ISLE OF MAN) (AMENDMENT) REGULATIONS 2002

Approved by Tynwald   *19th March 2002*

Coming into operation in accordance with regulation 1

The Department of Health and Social Security, in exercise of the powers contained in section 138 of the Social Security Contributions and Benefits Act 1992(a) (as it has effect in the Isle of Man(b)), and of all other enabling powers, hereby makes the following Regulations:-

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Maternity and Funeral Expenses (General) (Isle of Man) (Amendment) Regulations 2002 and shall come into force on 8th April 2002.

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

Amendment of the General Regulations

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

(2) In sub-paragraph (c) of paragraph (5B) of regulation 6 of the General Regulations (entitlement to an increase in a funeral payment not to arise) for the figure "£1,000", in both places where it appears, substitute the figure "£10,000".

(3) In regulation 7 (deductions from an award of a funeral payment) -

    (a)   at the start of that regulation after "7." insert "(1)";

    (b)   at the start of that renumbered paragraph (1) for the word "There" substitute the words "Subject to paragraph (2), there"; and

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(a) 1992 c.4; (b) S.D. 505/94; (c) G.C. 119/87.

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(c)   after renumbered paragraph (1) insert the following paragraph -

"(2) The amount of any payment made under the Macfarlane Trust, the Macfarlane (Special Payment) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund or the Eileen Trust or under a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions shall be disregarded from any deduction made under this regulation and for the purpose of this paragraph, "the Macfarlane Trust", "the Macfarlane (Special Payments) Trust", "the Macfarlane (Special Payments) (No. 2) Trust", "the Fund" and "the Eileen Trust" shall have the same meaning as in regulation 2(1) of the Income Support (General) (Isle of Man) Regulations 2000.".

(4) In paragraph (1) of regulation 8 of the General Regulations (effect of capital on entitlement to a maternity payment or an increase in a funeral payment) for the figure "£1,000", in both places where it appears, substitute the figure "£10,000".

Made   18th February 2002

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Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend, with effect from 8th April 2002, the Maternity and Funeral Expenses (General) Regulations 1987 ("the General Regulations "), as follows.

They provide that where a close relative of a deceased person (and any partner they might have) has capital of more than £10,000, then any other person who -

- was in equally close contact with the deceased;

- is in receipt of an income-related benefit and (together with any partner they might have) has capital of less than that of the close relative (and of their partner, if any); and

- who instead accepts responsibility for the funeral costs of the deceased,

shall nevertheless not be entitled to an increase in a funeral payment (regulation 2(2)). Previously the capital limit was only £1,000.

They also amend those Regulations by increasing - again from £1,000 to £10,000 - the amount of capital a person who is in receipt of an income-related benefit might possess before any maternity payment or increase in funeral payment to which they might be entitled is reduced (regulation 2(4)).

Also, regulation 2(3) provides that certain payments shall not be deducted from an increase in a funeral payment when they otherwise would be so.