



# MATERNITY AND FUNERAL EXPENSES (GENERAL) (ISLE OF MAN) (AMENDMENT) REGULATIONS 2018

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Statutory Document No. 2018/0026



*Social Security Contributions and Benefits Act 1992*

## **MATERNITY AND FUNERAL EXPENSES (GENERAL) (ISLE OF MAN) (AMENDMENT) REGULATIONS 2018**

*Approved by Tynwald: 20<sup>th</sup> February 2018*

*Coming into Operation in accordance with regulation 2*

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The Treasury makes the following Regulations under sections 138(1)(b) and (2) and 175 of the Social Security Contributions and Benefits Act 1992<sup>1</sup> as it has effect in the Island<sup>2</sup>.

### **PART 1 – INTRODUCTION**

#### **1 Title**

These Regulations are the Maternity and Funeral Expenses (General) (Isle of Man) (Amendment) Regulations 2018.

#### **2 Commencement**

- (1) If approved by Tynwald, these Regulations come into operation as follows<sup>3</sup>.
- (2) Regulation 1, this regulation and regulation 3 come into operation on the day after they are approved by Tynwald.
- (3) The remaining regulations come into operation on 9 April 2018.

#### **3 Effect**

These Regulations have effect in relation to any claim for a funeral payment or an additional funeral payment under the Maternity and Funeral Expenses (General) (Isle of Man) Regulations 2007<sup>4</sup> in respect of the funeral expenses arising from the death of a person who died on or after 1 April 2018.

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<sup>1</sup> 1992 c.4.

<sup>2</sup> See SD 505/94.

<sup>3</sup> Under section 176 of the Social Security Contributions and Benefits Act 1992 as it has effect in the Island these Regulations shall not have effect unless they are approved by Tynwald.

<sup>4</sup> SD 500/07.

## **PART 2 – MATERNITY AND FUNERAL EXPENSES (GENERAL) (ISLE OF MAN) REGULATIONS 2007 AMENDED**

### **4 Maternity and Funeral Expenses (General) (Isle of Man) Regulations 2007 amended**

The Maternity and Funeral Expenses (General) (Isle of Man) Regulations 2007 are amended in accordance with this Part.

### **5 Regulation 3 amended**

In regulation 3 (interpretation), in paragraph (1) —

- (a) omit both definitions of “additional funeral payment”;
- (b) in the definition of “funeral payment” for “7(1)” substitute ~~“7(1)”~~; and
- (c) in the definition of “prescribed time for claiming” omit “or an additional funeral payment”.

### **6 Regulation 3ZA amended**

In regulation 3ZA<sup>5</sup> (persons treated as being or not being members of the same household), in paragraphs (2)(b) and (3)(b) omit “or an additional funeral payment”.

### **7 Regulation 4 amended**

- (1) Regulation 4<sup>6</sup> (provision against double payment: funeral payments) is amended as follows.
- (2) For paragraph (1) substitute —
  - ~~“(1)”~~ (1) Subject to paragraph (2), no funeral payment shall be made under these Regulations if such a payment has already been made in respect of any funeral expenses arising from the death of the same person. ~~“(1)”~~.
- (3) In paragraph (2) omit “additional”.

### **8 Regulation 5 amended**

In regulation 5<sup>7</sup> (entitlement: maternity payments), in paragraph (1) omit “additional”.

<sup>5</sup> Regulation 3ZA inserted by SD 2016/0309.

<sup>6</sup> Regulations 3A and 4 substituted for regulation 4 by SD 76/11.

<sup>7</sup> Regulation 5 substituted by SD 76/11.

## 9 Regulation 9 amended

- (1) Regulation 9 (additional funeral payment: entitlement) is amended as follows.
- (2) In paragraph (1) for the definition of “an additional funeral payment” in sub-paragraph (a) substitute —
  - (a) “a funeral payment” means a payment to meet funeral expenses under section 138(1)(b) of the Social Security Contributions and Benefits Act 1992 in accordance with this regulation; ~~22~~.
- (3) In paragraph (2)<sup>8</sup> —
  - (a) for “an additional” substitute ~~22~~ a ~~22~~; and
  - (b) for “(9)” substitute ~~22~~ (7) ~~22~~.
- (4) Omit paragraphs (3) and (4).
- (5) For paragraph (5) substitute —
  - (3) The first condition is that the responsible person or his partner is a person to whom paragraph (4) applies in respect of the date of —
    - (a) the death of the deceased; and
    - (b) the claim for a funeral payment. ~~22~~.
- (6) Renumber paragraph (6)<sup>9</sup> as paragraph (4).
- (7) Renumber paragraph (7) as paragraph (5) and in that renumbered paragraph —
  - (a) for “fourth”, substitute ~~22~~ second ~~22~~; and
  - (b) for “an additional”, substitute “a”.
- (8) Renumber paragraph (8) as paragraph (6) and in that renumbered paragraph for “fifth” substitute ~~22~~ third ~~22~~.
- (9) Renumber paragraph (9) as paragraph (7) and in that renumbered paragraph for “sixth” substitute ~~22~~ fourth ~~22~~.
- (10) In the heading to regulation 9 for “**Additional funeral**” substitute ~~22~~ **Funeral** ~~22~~.

## 10 Regulation 10 amended

- (1) Regulation 10 (additional funeral payments: supplementary) is amended as follows.
- (2) In paragraph (1) —
  - (a) for “an additional” substitute ~~22~~ a ~~22~~; and

<sup>8</sup> Paragraph (2) amended by SD 115/08.

<sup>9</sup> Paragraph (6) amended by SD 433/11 and SD 2016/0309.

- (b) in sub-paragraph (b) for “9(6)” substitute ~~9(4)~~.
- (3) In paragraph (2), in sub-paragraphs (e) and (f) for “9(6)” substitute ~~9(4)~~.
- (4) In paragraph (3) for “9(9)(d)” substitute ~~9(7)(d)~~.
- (5) In paragraph (7) —
  - (a) for “9(6)” substitute ~~9(4)~~; and
  - (b) for “an additional” substitute ~~a~~.
- (6) In paragraph (9) for “9(9)(d)” substitute ~~9(7)(d)~~.
- (7) In the heading to regulation 10 for “**Additional funeral**” substitute “**Funeral**”.

## 11 Regulation 11 amended

- (1) Regulation 11 (the amount of an additional funeral payment) is amended as follows.
- (2) In paragraph (1)<sup>10</sup> for “An additional” substitute ~~A~~.
- (3) In paragraph (3) —
  - (a) omit sub-paragraph (e);
  - (b) in sub-paragraph (g) for “£90”<sup>11</sup> substitute ~~£140~~;
  - (c) after sub-paragraph (h) insert —
    - ~~(ha)~~ the cost of an obituary notice placed in a local newspaper or broadcast on a local radio station, subject to a maximum of £100; ~~;~~ and
  - (d) in sub-paragraph (i) for “£1,100”<sup>12</sup> substitute ~~£1,350~~.
- (4) In paragraph (6) for “, (d) and (e)” substitute ~~and (d)~~.
- (5) In paragraph (7) —
  - (a) in sub-paragraph (a) omit “additional”; and
  - (b) for “£1,100”<sup>13</sup> substitute ~~£1,350~~.
- (6) In the heading to regulation 11 for “**an additional**” substitute ~~a~~.

## 12 Regulation 12 amended

In the heading to regulation 12 (deductions from an award of an additional funeral payment) for “**an additional**”, substitute ~~a~~.

<sup>10</sup> Paragraph (1) amended by SD 115/08.

<sup>11</sup> Amount substituted by SD 2015/0002.

<sup>12</sup> Amount substituted by SD 2017/0038.

<sup>13</sup> Amount substituted by SD 2017/0038.

### 13 Regulation 13 amended

- (1) In regulation 13 (recovery of additional funeral payments) for “An additional” substitute ~~“A”~~.
- (2) In the heading to regulation 13 omit “additional”.

### 14 Regulation 14 amended

- (1) Regulation 14<sup>14</sup> (capital limit: maternity payment and additional funeral payment) is amended as follows.
- (2) In paragraph (1)<sup>15</sup> omit “additional”.
- (3) In paragraph (3)(c)<sup>16</sup> for “an additional” substitute ~~“a”~~.
- (4) In the headings to regulation 14 and to Part IV<sup>17</sup> omit “additional”.

### 15 Revocations

The following provisions are revoked —

- (a) regulation 7 (funeral payments: entitlement); and
- (b) regulation 8 (amount of a funeral payment).

## PART 3 – CONSEQUENTIAL AMENDMENTS

### 16 Social Security Legislation (Application) (No. 4) Order 1998 amended

- (1) The Schedule<sup>18</sup> to the Social Security Legislation (Application) (No. 4) Order 1998<sup>19</sup> is amended as follows.
- (2) In the entry relating to regulation 6 (date of claim), in paragraph (22)<sup>20</sup> in the definition of “qualifying benefit”, in paragraph (c)<sup>21</sup>, for “9(6)” substitute “9(4)”.
- (3) In the entry relating to Schedule 4 (prescribed times for claiming benefit), in paragraph 9<sup>22</sup>, in column (1) omit “and additional funeral payments”.

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<sup>14</sup> Headings to regulation 14, and paragraph (1) substituted by SD 115/08.

<sup>15</sup> Paragraph (1) substituted by SD 115/08.

<sup>16</sup> Paragraph (3)(c) amended by SD 2016/0309 .

<sup>17</sup> Headings substituted by SD 115/08.

<sup>18</sup> The Schedule sets out the Social Security (Claims and Payments) Regulations 1987 (as amended) as they have effect in the Island.

<sup>19</sup> SD 360/98.

<sup>20</sup> Paragraph (22) substituted by S.I. 2000/1596 (see SD 602/00).

<sup>21</sup> Paragraph substituted by regulation 2(7)(b)(i) of S.I. 2002/428 from 1 July 2002 (see SD 314/02) and amended by SD 77/11.

<sup>22</sup> Entry substituted by S.I. 2002/428 (see SD 314/02).

## PART 4 – TRANSITIONAL PROVISIONS

### 17 Transitional provisions

The Maternity and Funeral Expenses (General) (Isle of Man) Regulations 2007 and the Social Security Legislation (Application) (No. 4) Order 1998 continue to have effect as if Parts 2 and 3 had not come into operation in respect of the funeral expenses arising from the death of a person who died before 1 April 2018.

MADE 25<sup>TH</sup> JANUARY 2018

**A L CANNAN**  
*Minister for the Treasury*



*EXPLANATORY NOTE*

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

These Regulations amend the Maternity and Funeral Expenses (General) (Isle of Man) Regulations 2007 (“the 2007 Regulations”) and make consequential amendment.

Part 1 is introductory.

Part 2 amends the 2007 Regulations. Those amendments abolish the universal “funeral payment” and rename the “additional funeral payment” as the “funeral payment” accordingly. They also require the responsible person (or their partner) to be entitled to an income-related benefit when the deceased died to qualify for a funeral payment as well as when the claim for a funeral payment is made.

Part 2’s amendments also increase the maximum allowances for the Minister’s fee (from £90 to £140) and for any miscellaneous funeral expenses (from £1,100 to £1,350) which may be met by a funeral payment. The cost of placing an obituary notice in a local paper or broadcast on a local radio station (of up to £100) can now be met by a funeral payment also. They also discontinue the allowance for the cost of transporting the deceased to their home or to the funeral director’s premises or place of rest within the Island which may be met by a funeral payment.

Part 3 amends the Social Security (Claims and Payments) Regulations 1987 (as they have effect in the Island) consequential on Part 2.

Part 4 makes transitional provision in relation to Parts 2 and 3.