

**SOCIAL FUND FUNERAL EXPENSES (AMENDMENT)  
REGULATIONS (NORTHERN IRELAND) 2018 –INCOME  
SUPPORT, JOBSEEKER’S ALLOWANCE (INCOME  
BASED), EMPLOYMENT AND SUPPORT ALLOWANCE  
(INCOME RELATED) & STATE PENSION CREDIT**

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**INTRODUCTION**

- 1 This Memo highlights changes to social fund funeral payments, introduced by the Social Fund Funeral Expenses (Amendment) Regulations (Northern Ireland) 2018 (SR 2018 No. 45). These amendments are designed to clarify the issue of eligibility and

simplify the process for claiming a social fund funeral payment. They come into force on 2.4.18<sup>1</sup>.

*1 Social Fund Funeral Expenses (Amendment) Regulations (Northern Ireland) 2018, reg 1*

## **ELECTRONIC SUBMISSION OF EVIDENCE**

- 2 Regulations<sup>1</sup> do not currently allow for supporting evidence for a funeral payment application to be made electronically. This can result in undue delays.

*1 SS(C&P) Regs (NI), reg 32ZA(2); Sch 8D, para 2(1)*

- 3 From 2.4.18, a “social fund funeral payment” is added to the provision allowing such information to be given electronically<sup>1</sup>.

*1 SS(C&P) Regs (NI), reg 32ZA(2)(ga); Sch 8D, para 2(1)*

## **EXTENDING THE CLAIM PERIOD OF A FUNERAL PAYMENT**

- 4 The prescribed time for claiming a funeral payment is extended from 3 months to 6 months<sup>1</sup>. The claim period begins with the date of death and ends 6 months after the date of the funeral.

*1 SS (C&P) Regs (NI), Sch 4, para 9*

## **DEFINITION OF FUNERAL**

- 5 The definition of funeral is removed<sup>1</sup> (DMG 39126). This is to ensure that funerals are captured in which there is no body or are no remains of the deceased.

*1 Social Fund Funeral Expenses (Amendment) Regulations (Northern Ireland) 2018, reg 4*

## **RESIDENCE IN A CARE ESTABLISHMENT**

- 6 In order to be awarded a funeral payment, the claimant must be the person responsible for organising the funeral of the deceased (DMG 39134 & 39135). The responsible person is not entitled to a funeral payment where the deceased has an immediate family member who is not in receipt of a qualifying benefit and was not estranged from the deceased at the date of death (DMG 39168).

- 7 DMG 39169 sets out the circumstances in which the claimant may remain entitled to a funeral payment if there are specified immediate family members<sup>1</sup> who are not in receipt of a qualifying benefit.

*1 SFMFE (Gen) Regs (NI) 2005, reg 8(2)(a)-(h)*

- 8 From 2.4.18, a resident of a care establishment (as defined in DMG 39155) whose expenses are met wholly or in part by a Health and Social Care trust are added to the list of persons who are not taken into

account in determining whether a claimant is responsible for the funeral costs<sup>1</sup> (DMG 39169).

*1 SFMFE (Gen) Regs (NI) 2005, reg 8(2)(ff)*

## **AMOUNT OF FUNERAL PAYMENT**

### **Exclusive rights of burial**

- 9 Guidance relating to the necessary cost of obtaining a new burial plot for the deceased, together with an exclusive right of burial in that plot, is amended (DMG 39271, 39275, 39276).
- 10 From 2.4.18, the necessary costs of obtaining a burial plot, with a right of burial in that plot is covered, whether or not that right is exclusive<sup>1</sup>.

*1 SFMFE (Gen) Regs (NI) 2005, reg 9(3)(a)(i)*

### **Transport in excess of 80 kilometres**

- 11 Guidance at DMG 39329 advises on the circumstances where the decision maker can allow the reasonable costs of transport, in excess of 80 kilometres (50 miles), from the funeral director's premises or place of rest to the funeral outside the deceased's home area. That guidance refers to the comparison of the necessary costs of transport and burial in an existing plot, to the necessary costs of a new burial plot with an exclusive right of burial in that plot.
- 12 From 2.4.18, the comparison is with the necessary costs of a new burial plot with a right of burial in that plot, whether or not that right is exclusive<sup>1</sup>.

*1 SFMFE (Gen) Regs (NI) 2005, reg 9(8)*

## **DEATH CERTIFICATION FEES**

- 13 Where the deceased is cremated (DMG 39272), current provision is made for the necessary cost (amongst others) of
  1. any medical references<sup>1</sup> **and**
  2. any necessary registered medical practitioner's certificates<sup>2</sup>.

*1 SFMFE (Gen) Regs (NI) 2005, reg 9(3)(b)(ii); 2 reg 9(3)(b)(iii)*

- 14 From 2.4.18 provision is made to allow the cost of obtaining any medical reference, report or other documentation that is required in all funerals, in connection with the disposal of the deceased, whether by burial, cremation or other approved method for disposal of the deceased<sup>1</sup>.

*1 SFMFE (Gen) Regs (NI) 2005, reg 9(3)(ba)*

## **DEDUCTIONS FROM FUNERAL PAYMENTS**

15 Guidance at DMG 39425 – 39427 advises that the decision maker should deduct from the allowable funeral expenses, any payment received by the responsible person or any other member of the family that is given by<sup>1</sup> a

1. charity **or**
2. relative of the responsible person **or**
3. relative of the deceased.

*1 SFMFE (Gen) Regs (NI) 2005, reg 10(1)(c)*

16 From 2.4.18, contributions from charities, friends and relatives towards the cost of the funeral are allowed without such contributions being deducted from the funeral payment<sup>1</sup>. Guidance at 39425 to 39427 should no longer be followed. This change is in recognition that the total cost of a funeral is often larger than the value of the Social Fund funeral payment.

*1 Social Fund Funeral Expenses (Amendment) Regulations (Northern Ireland) 2018, reg 7*

### **Loan or Contribution**

17 Guidance at DMG 39428 – 39432 advises on whether the monies received are a loan or a contribution. From 2.4.18, as contributions are no longer deducted from a funeral payment (see paragraph 15), this guidance should no longer be followed.

### **Trust payments**

18 Guidance at DMG 39445 – 39447 advises that assets of the deceased may include payments made from specified trusts, and that no deduction is to be made for payments received from those trusts<sup>1</sup>. From 2.4.18 this provision is removed<sup>2</sup>.

*1 SFMFE (Gen) Regs (NI) 2005, reg 10(2) & (3);*

*2 Social Fund Funeral Expenses (Amendment) Regulations (Northern Ireland) 2018, reg 7*

## **ANNOTATIONS**

Please annotate the number of this memo (7/49) against DMG paragraphs:

39126, 39134 (Heading), 39168 (Heading), 39271 (Heading), 39329, 39425 (Heading), 39445 (Heading)

## **CONTACTS**

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April 2018**

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