

2012 No. 1814

SOCIAL SECURITY

The Social Fund Maternity Grant Amendment Regulations 2012

Made - - - - *11th July 2012*

Laid before Parliament *12th July 2012*

Coming into force - - *13th August 2012*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred upon him by sections 138(1)(a) and (4) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a).

The Social Security Advisory Committee has agreed that proposals in respect of these regulations should not be referred to it(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Fund Maternity Grant Amendment Regulations 2012.

(2) They come into force on 13th August 2012.

(3) In these Regulations, “the principal Regulations” means the Social Fund Maternity and Funeral Expenses (General) Regulations 2005(c) and expressions defined in those Regulations have the same meaning in these Regulations.

Amendment of the principal Regulations

2. Subject to regulation 3, for regulation 5A of the principal Regulations (award of Sure Start Maternity Grant not to be made where another member of the claimant’s family is under 16 unless an exception applies) substitute—

“Entitlement where another member of the claimant’s family is under the age of 16

5A.—(1) In this regulation—

- (a) “C” means the child or still-born child in respect of whom a Sure Start Maternity Grant is claimed; and
- (b) “existing member of the family” has the meaning given in paragraph (2) or, as the case may be, (3).

(a) 1992 c.4; amendments not relevant to these Regulations have been made to section 175(1) and (4).

(b) See sections 172 and 174 of the Social Security Administration Act 1992 (c.5).

(c) S.I. 2005/3061 as amended by S.I. 2010/2760 and 2011/100. Other amendments not relevant to these Regulations have also been made.

(2) Where a parent of C (“P”) is under the age of 20 and a member of the claimant’s family, “existing member of the family” means any member of the claimant’s family who is also a child of P, apart from C or any other child born as a result of the same pregnancy as C.

(3) In any other case, “existing member of the family” means any member of the claimant’s family apart from—

- (a) C;
- (b) any other child born as a result of the same pregnancy as C;
- (c) any child whose parent is under the age of 20 and a member of the claimant’s family.

(4) Subject to the following provisions of this regulation, a Sure Start Maternity Grant shall not be awarded if, at the date of claim, any existing member of the family is under the age of 16.

(5) Where C is one of two or more children—

- (a) born or still-born as a result of the same pregnancy, or
- (b) (if the claim is made before the confinement in a case where regulation 5(3)(a) applies) who are expected to be born as a result of the same pregnancy,
- (c) the number of Sure Start Maternity Grants to be awarded is to be determined in accordance with paragraphs (6) and (7).

(6) Where at the date of claim no existing member of the family is under the age of 16 a Sure Start Maternity Grant is to be awarded in respect of each of the children mentioned in paragraph (5).

(7) Where at the date of claim any existing member of the family is under the age of 16 then—

- (a) where each of those existing members of the family under the age of 16 was born as a result of separate pregnancies, a Sure Start Maternity Grant is to be awarded for all but one of the children mentioned in paragraph (5); and
- (b) where two or more of those existing members of the family under the age of 16 were born as a result of a single pregnancy, the number of Sure Start Maternity Grants to be awarded in respect of the children mentioned in paragraph (5) is the number of children mentioned in paragraph (5) minus the maximum number of existing members of the family born as a result of a single pregnancy.”

Transitional provisions

3.—(1) The substitution made by regulation 2 does not apply in a case where any of paragraphs (2) to (7) apply.

(2) This paragraph applies in a case where—

- (a) the claimant falls within regulation 5(3)(a) of the principal Regulations;
- (b) the claim is made before C’s birth;
- (c) the claim is made before 13th August 2012; and
- (d) the expected date of confinement is before 29th October 2012.

(3) This paragraph applies in a case where—

- (a) the claimant falls within regulation 5(3)(a) or (b) of the principal Regulations;
- (b) the claim is made after C’s birth; and
- (c) C is born before 29th October 2012.

(4) This paragraph applies in a case where—

- (a) the claimant falls within regulation 5(3)(c) of the principal Regulations; and
- (b) the qualifying order is made before 29th October 2012.

- (5) This paragraph applies in a case where—
- (a) the claimant falls within regulation 5(3)(d) of the principal Regulations; and
 - (b) the appointment as guardian takes effect before 29th October 2012.
- (6) This paragraph applies in a case where—
- (a) the claimant falls within regulation 5(3)(e) of the principal Regulations; and
 - (b) C is placed for adoption with the claimant or the claimant’s partner before 29th October 2012.
- (7) This paragraph applies in a case where—
- (a) the claimant falls within regulation 5(3)(f) of the principal Regulations; and
 - (b) the adoption referred to in that provision takes effect before 29th October 2012.
- (8) In this regulation, “C” means the child or still-born child in respect of whom a Sure Start Maternity Grant is claimed.

Signed by authority of the Secretary of State for Work and Pensions.

Steve Webb
Minister of State
Department for Work and Pensions

11th July 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 (S.I.2005/3061) and make necessary transitional provision.

Regulation 2 substitutes a new regulation 5A of those Regulations which sets out rules for entitlement to a Sure Start Maternity Grant (“a grant”) where another member of the claimant’s family is under the age of 16. New regulation 5A replicates the existing regulation 5A in that it prevents a person being entitled to a Sure Start Maternity Grant where an existing member of their family is under the age of 16. However it also ensures that, for this purpose, a child whose parent is under the age of 20 and a member of the claimant’s family is to be ignored. It also adds an additional exception to provide for entitlement to grants in respect of additional children born as a result of a subsequent multiple birth where there is already a child under the age of 16 in the family. New regulation 5A also provides that the number of grants payable is determined by reference to the number of children under the age of 16 already in the family and the number of children born as a result of the subsequent multiple birth. These amendments have effect subject to the transitional provisions in regulation 3.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.

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