

SOCIAL FUND FUNERAL EXPENSES AMENDMENT REGULATIONS 2018 - UC

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INTRODUCTION

- 1 This Memo highlights changes to social fund funeral payments, introduced by the Social Fund Funeral Expenses Amendment Regulations 2018 (SI 2018 No. 61). 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 2.4.18¹.

1 Social Fund Funeral Expenses Amendment Regulations 2018, reg 1

ELECTRONIC SUBMISSION OF EVIDENCE

- 2 Regulations¹ 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, reg 32ZA(2); Sch 9ZC, para 2(1)

- 3 From 2.4.18, a “social fund funeral payment” is added to the provision allowing such information to be given electronically¹.

1 SS(C&P) Regs, reg 32ZA(2)(k); Sch 9ZC, para 2(1)(k)

EXTENDING THE CLAIM PERIOD OF A FUNERAL PAYMENT

- 4 The prescribed time for claiming a funeral payment is extended from 3 months to 6 months¹. The claim period begins with the date of death and ends 6 months after the date of the funeral (ADM L3132).

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

DEFINITION OF FUNERAL

- 5 The definition of funeral is removed¹ (ADM L3126). 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 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 (ADM L3137). 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 (ADM L3178).

- 7 ADM L3179 sets out the circumstances in which the claimant may remain entitled to a funeral payment if there are specified immediate family members¹ who are not in receipt of a qualifying benefit.

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

- 8 From 2.4.18, a resident of a care establishment (as defined in ADM L3162) whose expenses are met wholly or in part by a local authority are added to the list of persons

who are not taken into account in determining whether a claimant is responsible for the funeral costs¹ (ADM L3179).

1 SFMFE (Gen) Regs, 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 (ADM L3271, L3275 - L3276).
- 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 exclusive¹.

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

Transport in excess of 80 kilometres

- 11 Guidance at ADM L3329 advises on the circumstances where the DM 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 exclusive¹.

1 SFMFE (Gen) Regs, reg 9(8)

DEATH CERTIFICATION FEES

- 13 Where the deceased is cremated (ADM L3272), current provision is made for the necessary cost (amongst others) of
 1. any medical references¹ **and**
 2. any necessary registered medical practitioner's certificates².

1 SFMFE (Gen) Regs, 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 deceased¹.

1 SFMFE (Gen) Regs, reg 9(3)(ba)

DEDUCTIONS FROM FUNERAL PAYMENTS

- 15 Guidance at ADM L3425 – L3427 advises that the DM should deduct from the allowable funeral expenses, any payment received by the responsible person or any other member of the family that is given by¹ a

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

1 SFMFE (Gen) Regs, 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 payment¹. Guidance at L3425 to L3427 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 2018, reg 7

Loan or Contribution

- 17 Guidance at ADM L3428 – L3432 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 ADM L3445 – L3447 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 trusts¹. From 2.4.18 this provision is removed².

1 SFMFE (Gen) Regs, regs 10(2) & (3); 2 Social Fund Funeral Expenses Amendment Regulations 2018, reg 7



ANNOTATIONS

Please annotate the number of this memo (04/18) against ADM paragraphs:

L3132, L3126, L3137, L3178, L3179, L3271 (Heading), L3329, L3425 (Heading),
L3445 (Heading)

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in [Memo DMG 23/16](#) - Obtaining legal advice and guidance on the Law.

DMA Leeds: March 2018

The content of the examples in this document (including use of imagery) is for illustrative purposes only