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STATUTORY INSTRUMENTS

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**1997 No. 2538**

**The Social Fund Maternity and Funeral Expenses  
(General) Amendment Regulations 1997**

**Amendment of regulation 7 of the General Regulations**

5.—(1) Regulation 7 of the General Regulations<sup>(1)</sup> (entitlement to a funeral payment) shall be amended in accordance with the following paragraphs.

(2) For sub-paragraph (b) of paragraph (1), there shall be substituted the following sub-paragraph—

“(b) the funeral takes place—

(i) in a case where the responsible person is a person to whom paragraph (1A) applies, in an EEA State;

(ii) in any other case, in the United Kingdom,

and for the purposes of this sub-paragraph, “EEA State” means a State which is a contracting party to the Agreement on the European Economic Area<sup>(2)</sup> signed at Oporto on 2nd May 1992 as adjusted by the Protocol<sup>(3)</sup> signed at Brussels on 17th March 1993;”.

(3) In paragraph (1)(e), for heads (ii), (iii) and (iv) there shall be substituted the following heads—

“(ii) in a case where the deceased was—

(aa) a child and there is no absent parent or there is an absent parent who, or whose partner, had an award of a benefit to which sub-paragraph (a) above refers current as at the date of death, the responsible person was the person or the partner of the person responsible for that child for the purposes of Part IX of the Social Security Contributions and Benefits Act 1992 as at the date of death; or

(bb) a still-born child, the responsible person was a parent of that still-born child or the partner of a parent of that still-born child as at the date when the child was still-born; or

(iii) in a case where the deceased had no partner and (ii) above does not apply, the responsible person was, subject to paragraphs (3) and (4), an immediate family member of the deceased and it is reasonable for the responsible person to accept responsibility for those expenses; or

(iv) in a case where the deceased had no partner and (ii) and (iii) above do not apply, the responsible person was, subject to paragraphs (3) and (4), either—

(aa) a close relative of the deceased; or

(bb) a close friend of the deceased,

and it is reasonable for the responsible person to accept responsibility for those expenses.”.

(4) After paragraph (1), there shall be inserted the following paragraph—

“(1A) This paragraph applies to a person who is—

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<sup>(1)</sup> Regulation 7 was substituted by S.I.1997/792.

<sup>(2)</sup> O.J. No. L1, 3.1.94, p. 3.

<sup>(3)</sup> O.J. No. L1, 3.1.94, p. 572.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) a worker for the purposes of Council Regulation (EEC) No. 1612/68<sup>(4)</sup> or (EEC) No. 1251/70<sup>(5)</sup>;
- (b) a member of the family of a worker for the purposes of Council Regulation (EEC) No. 1612/68;
- (c) in the case of a worker who has died, a member of the family of that worker for the purposes of Council Regulation (EEC) No. 1251/70; or
- (d) a person with a right to reside in the United Kingdom pursuant to Council Directive No. 68/360/EEC<sup>(6)</sup> or No. 73/148/EEC<sup>(7)</sup>.

(5) In paragraph (3), for the words from the beginning to “where—” there shall be substituted the words “Subject to paragraph (4), the responsible person shall not be entitled to a funeral payment where he is an immediate family member, a close relative or a close friend of the deceased and—”.

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(4) O.J. No. L257, 19.10.68, p. 2.  
(5) O.J. No. L142, 1.7.70, p. 24.  
(6) O.J. No. L257, 18.10.68, p. 13.  
(7) O.J. No. L172, 28.6.73, p. 14.