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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 66**

**The Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (Northern Ireland) 2017**

**Amendment of the Social Security (Claims and Payments) Regulations**

**10.**—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987<sup>(1)</sup> are amended in accordance with paragraphs (2) to (14).

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “benefit”<sup>(2)</sup> after “shared additional pension” insert “, bereavement support payment”;

(b) for the definitions of “bereavement allowance” and “bereavement benefit”<sup>(3)</sup> substitute—

““bereavement benefit” means—

(i) a bereavement payment referred to in section 36 of the Contributions and Benefits Act as in operation immediately before it was repealed by paragraph 8 of Schedule 16 to the Pensions Act (Northern Ireland) 2015,

(ii) a bereavement allowance referred to in section 39B of the Contributions and Benefits Act as in operation immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act (Northern Ireland) 2015, and

(iii) widowed parent’s allowance;

“bereavement support payment” means bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;”;

(c) in the definition of “long term benefits”<sup>(4)</sup> omit “bereavement allowance;” and

(d) in the definition of “working age benefit”<sup>(5)</sup> omit paragraph (a).

(3) In regulation 3(1) (claims not required for entitlement to benefit in certain cases)—

(a) for sub-paragraph (a)(iv)<sup>(6)</sup> substitute—

“(iv) widowed parent’s allowance;”;

(b) in sub-paragraph (d)(ii)<sup>(7)</sup> omit “or bereavement allowance”; and

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(1) S.R. 1987 No. 465; relevant amending instruments are S.R. 1988 No. 141; S.I. 1988/594 (N.I. 2); S.R. 1994 No. 456; S.R. 1998 No. 369; S.R. 2001 No. 108; S.R. 2002 No. 327; S.R. 2003 No. 317; S.R. 2005 Nos. 14, 139 and 299; S.R. 2006 No. 203; S.R. 2007 Nos. 392 and 467; S.R. 2008 No. 417; S.R. 2009 Nos. 107 and 409; S.R. 2010 No. 337; S.R. 2011 No. 298; S.R. 2014 No. 105 and S.R. 2015 No. 411

(2) The definition of “benefit” was amended by regulation 3(2)(a) of S.R. 1988 No. 369; regulation 7(2)(a)(i) of S.R. 1992 No. 83; regulation 2(2)(b) of S.R. 1996 No. 354; regulation 3(a)(ii) of S.R. 2003 No. 191; regulation 13(2) of S.R. 2008 No. 286 and Article 9(2) of S.R. 2015 No. 411

(3) The definitions of “bereavement allowance” and “bereavement benefit” were inserted by regulation 10(2)(a) of S.R. 2001 No. 108

(4) In the definition of “long term benefits”, the relevant amending regulation is regulation 10(2)(b) of S.R. 2001 No. 108

(5) The definition of “working age benefit” was added by regulation 2(2) of S.R. 2009 No. 409

(6) Sub-paragraph (a)(iv) was inserted by regulation 10(3)(a) of S.R. 2001 No. 108

(7) Sub-paragraph (d)(ii) was amended by regulation 10(3)(b)(ii) of S.R. 2001 No. 108

- (c) omit sub-paragraph (da)(8).
- (4) In regulation 4 (making a claim for benefit)—
- (a) in paragraph (6A)(a)(i)(9) for “a bereavement benefit” substitute “widowed parent’s allowance”; and
  - (b) in paragraph (11)(10) for “a bereavement benefit” substitute “a widowed parent’s allowance, a bereavement support payment”.
- (5) In regulation 4ZC(2)(11) (electronic claims for benefit) after “attendance allowance,” insert “bereavement support payment,”.
- (6) In regulation 16 (date of entitlement under an award for the purpose of determining the day from which benefit is to be payable and effective date of change of rate)—
- (a) in paragraph (2A)(12) omit “bereavement allowance,”;
  - (b) in paragraph (3)(c)(i)(13) omit “bereavement allowance”; and
  - (c) in paragraph (4), for “bereavement allowance” substitute “bereavement support payment”.
- (7) In regulation 19 (time for claiming benefit)—
- (a) for paragraph (3)(ga)(14) substitute—
    - “(ga) subject to paragraph (3B), widowed parent’s allowance;
    - (gb) subject to paragraph (3BA), bereavement support payment;”;
  - (b) omit paragraph (3A)(15);
  - (c) in paragraph (3B)(16) for “bereavement benefit”, in the first place it appears, substitute “widowed parent’s allowance”; and
  - (d) after paragraph (3B) insert—
 

“(3BA) The prescribed time for claiming bereavement support payment in respect of—

    - (a) the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations (Northern Ireland) 2017 (rate of bereavement support payment); and
    - (b) the date on which the claimant’s spouse or civil partner died,

is 12 months beginning with that date of death.”.
- (8) In regulation 22A(1)(17) and in the heading to regulation 22A (bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension) omit “bereavement allowance,”.
- (9) In regulation 22B(18) (payment of bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension at a daily rate)—
- (a) in the heading omit “bereavement allowance,”;

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- (8) Sub-paragraph (da) was inserted by regulation 2(2)(b) of S.R. 2007 No. 392 and substituted by regulation 2(2) of S.R. 2008 No. 417
- (9) Paragraph (6A) was inserted by regulation 2(2)(b) of S.R. 2003 No. 317
- (10) Paragraph (11) was added by regulation 2(2)(b) of S.R. 2005 No. 14 and amended by regulation 2(4)(b) of S.R. 2005 No. 299; regulation 2(4) of S.R. 2010 No. 337; regulation 3 of S.R. 2014 No. 105 and regulation 9(4)(c) of S.R. 2016 No. 411
- (11) Regulation 4ZC was inserted by Article 2(3) of S.R. 2006 No. 203
- (12) Paragraph (2A) was inserted by regulation 2(2)(b) of S.R. 2009 No. 107
- (13) Paragraph (3)(c) was substituted by regulation 2(2)(c) of S.R. 2009 No. 107
- (14) Sub-paragraph (ga) was inserted by regulation 10(4) of S.R. 2001 No. 108 and substituted by regulation 2(2)(a) of S.R. 2005 No. 139
- (15) Paragraph (3A) was inserted by regulation 2(2)(b) of S.R. 2002 No. 327
- (16) Paragraph (3B) was inserted by regulation 2(2)(c) of S.R. 2005 No. 139
- (17) Regulation 22A was inserted by regulation 2(4) of S.R. 2009 No. 107
- (18) Regulation 22B was inserted by regulation 2(4) of S.R. 2009 No. 107

(b) in paragraph (1) omit “bereavement allowance or”; and

(c) in paragraph (5) omit sub-paragraph (a).

(10) In regulation 32ZA(2)(19) (information given electronically) after sub-paragraph (a) insert—

“(aa) bereavement support payment;”.

(11) In regulation 32A(3)(20) (information relating to awards of benefit) omit sub-paragraphs (b) and (c).

(12) In Part I of Schedule 1(21) (benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative) at the end of the table insert the following entries—

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“Bereavement benefit	Bereavement support payment
Bereavement support payment	Bereavement benefit”

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(13) In Schedule 7 (time of payment and commencement of entitlement in income support cases) for “bereavement benefit” substitute “widowed parent’s allowance” in the following places—

(a) paragraph 2(c);

(b) paragraph 2ZA(22); and

(c) paragraph 4, in the definition of “relevant social security benefit”.

(14) In paragraph 2(1) of Schedule 8D(23) (electronic communication) after “attendance allowance,” insert “bereavement support payment,”.

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(19) Regulation 32ZA was inserted by Article 2(3) of S.R. 2011 No. 298

(20) Regulation 32A was inserted by regulation 6(5) of S.R. 2007 No. 467

(21) The Table in Schedule 1 was substituted by regulation 2(11) of S.R. 1994 No. 456; the relevant amending provision is Article 9(17) of S.R. 2015 No. 411

(22) Paragraph 2ZA was inserted by regulation 2(7)(b) of S.R. 2009 No. 107

(23) Schedule 8D was inserted by Article 2(4) of S.R. 2006 No. 203