



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

PART II

CONTRIBUTORY BENEFITS

Benefits for widows and widowers

[^{F1}39B Bereavement allowance where no dependent children.

- (1) This section applies where a person whose spouse [^{F2}or civil partner] dies on or after the appointed day is over the age of 45 but under pensionable age at the spouse's [^{F3}or civil partner's] death.
- (2) The surviving spouse [^{F2}or civil partner] shall be entitled to a bereavement allowance at the rate determined in accordance with section 39C below if the deceased spouse [^{F2}or civil partner] satisfied the contribution conditions for a bereavement allowance specified in Schedule 3, Part I, paragraph 5.
- (3) A bereavement allowance shall be payable for not more than 52 weeks beginning with the date of the spouse's [^{F3}or civil partner's] death or (if later) the day on which the surviving spouse's [^{F3}or civil partner's] entitlement is to be regarded as commencing by virtue of section 5(1)(k) of the Administration Act.
- (4) The surviving spouse shall not be entitled to the allowance for any period after she or he remarries [^{F4}or forms a civil partnership], but, subject to that, the surviving spouse shall continue to be entitled to it until—
 - (a) she or he attains pensionable age, or
 - (b) the period of 52 weeks mentioned in subsection (3) above expires,whichever happens first.

Status: Point in time view as at 16/12/2014. This version of this provision has been superseded.

Changes to legislation: Social Security Contributions and Benefits Act 1992, Section 39B is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date.

Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [The surviving civil partner shall not be entitled to the allowance for any period after ^{F5}(4A) she or he forms a subsequent civil partnership or marries, but, subject to that, the surviving civil partner shall continue to be entitled to it until—
- (a) she or he attains pensionable age, or
 - (b) the period of 52 weeks mentioned in subsection (3) above expires,
- whichever happens first.]
- (5) The allowance shall not be payable—
- (a) for any period for which the surviving spouse [^{F2}or civil partner] is entitled to a widowed parent's allowance; ^{F6}... [^{F7}or]
 - ^{F8}(b) [for any period during which the surviving spouse or civil partner and a person whom she or he is not married to, or in a civil partnership with, are living together as a married couple.]]

Textual Amendments

- F1** Ss. 39A-39C inserted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by Welfare Reform and Pensions Act 1999 (c. 30), **ss. 55(2)**, 89(1); S.I. 2000/1047, art. 2(2)(a), Sch. Pt. I
- F2** Words in s. 39B inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 21(2)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F3** Words in s. 39B inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 21(3)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F4** Words in s. 39B(4) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 21(4)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F5** S. 39B(4A) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 21(5)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F6** Word in s. 39B(5)(a) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3175, art. 2(6)
- F7** Word in s. 39B(5) inserted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 22(6)**; and inserted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 2(6)(a)**
- F8** S. 39B(5)(b) substituted for s. 39B(5)(b)(c) (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 22(6)**; and substituted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 2(6)(b)**

Status:

Point in time view as at 16/12/2014. This version of this provision has been superseded.

Changes to legislation:

Social Security Contributions and Benefits Act 1992, Section 39B is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.