



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART I

#### CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

#### *[<sup>F1</sup>Bereavement benefits*

##### Textual Amendments

- F1** S. 3 and cross-heading substituted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), [Sch. 8 para. 17](#); S.I. 2000/1047, art. 2(2)(a), [Sch. Pt. I](#)

### 3 Late claims for bereavement benefit where death is difficult to establish

- (1) This section applies where a person's spouse [<sup>F2</sup>or civil partner] has died or may be presumed to have died on or after the appointed day and the circumstances are such that—
- (a) more than 12 months have elapsed since the date of death; and
  - (b) either
    - (i) the spouse's [<sup>F3</sup>or civil partner's] body has not been discovered or identified or, if it has been discovered and identified, the surviving spouse [<sup>F2</sup>or civil partner] does not know that fact; or
    - (ii) less than 12 months have elapsed since the surviving spouse [<sup>F2</sup>or civil partner] first knew of the discovery and identification of the body.
- (2) Where this section applies, notwithstanding that any time prescribed for making a claim for a bereavement benefit in respect of the death has elapsed, then—
- (a) in any case falling within paragraph (b) (i) of subsection (1) above where it has been decided under section 8 of the Social Security Act 1998 that the spouse [<sup>F2</sup>or civil partner] has died or is presumed to have died; or

*Status: Point in time view as at 09/06/2016.*

*Changes to legislation: Social Security Administration Act 1992, Cross Heading: Bereavement benefits is up to date with all changes known to be in force on or before 22 August 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)*

- (b) in any case falling within paragraph (b) (ii) of subsection (1) above where the identification was made not more than 12 months before the surviving spouse [<sup>F2</sup>or civil partner] first knew of the discovery and identification of the body, such a claim may be made or treated as made at any time before the expiration of the period of 12 months beginning with the date on which that decision was made or, as the case may be, the date on which the surviving spouse [<sup>F2</sup>or civil partner] first knew of the discovery and identification.
- (3) If, in a case where a claim for a bereavement benefit is made or treated as made by virtue of this section, the claimant would, apart from subsection (2) of section 1 above, be entitled to—
- (a) a bereavement payment in respect of the spouse's [<sup>F3</sup>or civil partner's] death more than 12 months before the date on which the claim is made or treated as made; or
- (b) any other bereavement benefit in respect of his or her death for a period more than 12 months before that date,
- then, notwithstanding anything in that section, the surviving spouse [<sup>F2</sup>or civil partner] shall be entitled to that payment or, as the case may be, to that other benefit <sup>F4</sup>...
- (4) In subsection (1) above “the appointed day” means the day appointed for the coming into force of sections 54 to 56 of the Welfare Reform and Pensions Act 1999.]

#### Textual Amendments

- F2** Words in s. 3 inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 56\(a\)](#); [S.I. 2005/3175](#), art. 2(1), [Sch. 1](#)
- F3** Words in s. 3 inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 56\(b\)](#); [S.I. 2005/3175](#), art. 2(1), [Sch. 1](#)
- F4** Words in s. 3(3) repealed with savings (6.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); [S.I. 2003/938](#), art. 2, [Sch.](#) (with art. 3)

#### 4 Treatment of payments of benefit to certain widows

In any case where—

- (a) a claim for a widow's pension or a widowed mother's allowance is made, or treated as made, before 13th July 1990 (the date of the passing of the <sup>M1</sup>Social Security Act 1990); and
- (b) the Secretary of State has made a payment to or for the claimant on the ground that if the claim had been received immediately after the passing of that Act she would have been entitled to that pension or allowance, or entitled to it at a higher rate, for the period in respect of which the payment is made,

the payment so made shall be treated as a payment of that pension or allowance; and, if and to the extent that an award of the pension or allowance, or an award at a higher rate, is made for the period in respect of which the payment was made, the payment shall be treated as made in accordance with that award.

#### Marginal Citations

- M1** [1990 c. 27](#).

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