



# Social Security Contributions and Benefits (Northern Ireland) Act 1992

## 1992 CHAPTER 7

### PART II

#### CONTRIBUTORY BENEFITS

*[<sup>F1</sup>Bereavement benefits: deaths before the day on which section 29 of the Pensions Act (Northern Ireland) 2015 comes into operation]*

#### **[<sup>F1</sup>39A Widowed parent's allowance.**

[<sup>F2</sup>(1) This section applies where—

- (a) a person's spouse or civil partner has died before the day on which section 29 of the Pensions Act (Northern Ireland) 2015 comes into operation (but see subsection (1A)),
- (b) the person has not married or formed a civil partnership after the death but before that day, and
- (c) the person is under pensionable age on that day.]

[ This section does not apply in cases where a woman's husband has died before 9 April <sup>F2</sup>(1A) 2001.]

- (2) The surviving spouse [<sup>F3</sup>or civil partner] shall be entitled to a widowed parent's allowance at the rate determined in accordance with section 39C below if the deceased spouse [<sup>F3</sup>or civil partner] satisfied the contribution conditions for a widowed parent's allowance specified in Schedule 3, Part I, paragraph 5 and—
  - (a) the surviving spouse [<sup>F3</sup>or civil partner] is entitled to child benefit in respect of a child [<sup>F4</sup>or qualifying young person] falling within subsection (3) below; <sup>F5</sup>...
  - (b) the surviving spouse is a woman who either—
    - (i) is pregnant by her late husband, or

*Status: Point in time view as at 06/04/2017. This version of this provision has been superseded.*

**Changes to legislation:** Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 39A is up to date with all changes known to be in force on or before 20 July 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)

- (ii) if she and he were residing together immediately before the time of his death, is pregnant in circumstances falling within section 37(1)(c) above; <sup>F6</sup>or
- (c) the surviving civil partner is a woman who—
  - (i) was residing together with the deceased civil partner immediately before the time of the death, and
  - (ii) is pregnant as the result of being artificially inseminated before that time with the semen of some person, or as a result of the placing in her before that time of an embryo, of an egg in the process of fertilisation, or of sperm and eggs].
- (3) A child <sup>F7</sup>or qualifying young person] falls within this subsection if <sup>F8</sup>... the child <sup>F9</sup>or qualifying young person] is either—
  - (a) a son or daughter of the surviving spouse <sup>F3</sup>or civil partner] and the deceased spouse <sup>F3</sup>or civil partner]; or
  - (b) a child <sup>F10</sup>or qualifying young person] in respect of whom the deceased spouse <sup>F3</sup>or civil partner] was immediately before his or her death entitled to child benefit; or
  - (c) if the surviving spouse <sup>F3</sup>or civil partner] and the deceased spouse <sup>F3</sup>or civil partner] were residing together immediately before his or her death, a child <sup>F10</sup>or qualifying young person] in respect of whom the surviving spouse <sup>F3</sup>or civil partner] was then entitled to child benefit.
- (4) The surviving spouse shall not be entitled to the allowance for any period after she or he remarries <sup>F11</sup>or forms a civil partnership], but, subject to that, the surviving spouse shall continue to be entitled to it for any period throughout which she or he—
  - (a) satisfies the requirements of subsection (2)(a) or (b) above; and
  - (b) is under pensionable age.
- <sup>F12</sup>(4A) [ The surviving civil partner shall not be entitled to the allowance for any period after 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 for any period throughout which she or he—
  - (a) satisfies the requirements of subsection (2)(a) or (b) above; and
  - (b) is under pensionable age.]
- (5) A widowed parent's allowance shall not be payable—
  - (a) for any period falling before the day on which the surviving spouse's <sup>F13</sup>or civil partner's] entitlement is to be regarded as commencing by virtue of section 5(1)(l) of the Administration Act; <sup>F14</sup>...
  - (b) for any period during which the surviving spouse <sup>F3</sup>or civil partner] and a person of the opposite sex to whom she or he is not married are living together as husband and wife; <sup>F15</sup>or
  - (c) for any period during which the surviving spouse or civil partner and a person of the same sex who is not his or her civil partner are living together as if they were civil partners].]

#### Textual Amendments

**F1** Ss. 39A-39C inserted (24.4.2000 for specified purposes and 9.4.2001 otherwise) by [S.I. 1999/3147](#) (N.I. 11), [art. 52\(2\)](#); [S.R. 2000/133](#), [art. 2\(3\)\(a\)](#), [Sch. Pt. I](#)

*Status: Point in time view as at 06/04/2017. This version of this provision has been superseded.*

**Changes to legislation:** Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 39A is up to date with all changes known to be in force on or before 20 July 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)

- F2** S. 39A(1)(1A) substituted for s. 39A(1) (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 12**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)
- F3** Words in s. 39A inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 74(2)**; S.I. 2005/3255, art. 2(1), Sch.
- F4** Words in s. 39A(2)(a) inserted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 29(2)**
- F5** Word in s. 39A(2) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3255, art. 2(1), Sch.
- F6** S. 39A(2)(c) and preceding word inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 74(4)**; S.I. 2005/3255, art. 2(1), Sch.
- F7** Words in s. 39A(3) inserted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 29(3)(a)**
- F8** Words in s. 39A(3) repealed (7.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), ss. 47, 60(1), **Sch. 8**; S.R. 2008/339, art. 2(3)(a) (with art. 3(3))
- F9** Words in s. 39A(3) inserted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 29(3)(b)**
- F10** Words in s. 39A(3) inserted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 29(3)(c)**
- F11** Words in s. 39A(4) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 74(5)**; S.I. 2005/3255, art. 2(1), Sch.
- F12** S. 39A(4A) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 74(6)**; S.I. 2005/3255, art. 2(1), Sch.
- F13** Words in s. 39A inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 74(3)**; S.I. 2005/3255, art. 2(1), Sch.
- F14** Word in s. 39A(5) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b)(d), **Sch. 30**; S.I. 2005/3255, art. 2(1), Sch.
- F15** S. 39A(5)(c) and preceding word inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 74(7)**; S.I. 2005/3255, art. 2(1), Sch.

**Status:**

Point in time view as at 06/04/2017. This version of this provision has been superseded.

**Changes to legislation:**

Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 39A is up to date with all changes known to be in force on or before 20 July 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.