



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

## 1992 CHAPTER 7

### PART II

#### CONTRIBUTORY BENEFITS

##### *Benefits for widows and widowers*

#### **[<sup>F1</sup>39B Bereavement allowance where no dependent children.**

- (1) This section applies where a person whose spouse [<sup>F2</sup>or civil partner] dies on or after the appointed day is over the age of 45 but under pensionable age at the spouse's [<sup>F3</sup>or civil partner's] death.
- (2) The surviving spouse [<sup>F2</sup>or civil partner] shall be entitled to a bereavement allowance at the rate determined in accordance with section 39C below if the deceased spouse [<sup>F2</sup>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 [<sup>F3</sup>or civil partner's] death or (if later) the day on which the surviving spouse's [<sup>F3</sup>or civil partner's] entitlement is to be regarded as commencing by virtue of section 5(1)(l) of the Administration Act.
- (4) The surviving spouse shall not be entitled to the allowance for any period after she or he remarries [<sup>F4</sup>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*Status: Point in time view as at 27/10/2008. This version of this provision has been superseded.*

**Changes to legislation:** Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 39B is up to date with all changes known to be in force on or before 15 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)

- [ The surviving civil partner shall not be entitled to the allowance for any period after <sup>F5</sup>(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 [<sup>F2</sup>or civil partner] is entitled to a widowed parent's allowance; <sup>F6</sup>...
  - (b) for any period during which the surviving spouse [<sup>F2</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>F7</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**
- F2** Words in s. 39B inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 75(2)**; S.I. 2005/3255, art. 2(1), Sch.
- F3** Words in s. 39B inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 75(3)**; S.I. 2005/3255, art. 2(1), Sch.
- F4** Words in s. 39B(4) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 75(4)**; S.I. 2005/3255, art. 2(1), Sch.
- F5** S. 39B(4A) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 75(5)**; S.I. 2005/3255, art. 2(1), Sch.
- F6** Word in s. 39B(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.
- F7** S. 39B(5)(c) and preceding word inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 75(6)**; S.I. 2005/3255, art. 2(1), Sch.

**Status:**

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**Changes to legislation:**

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