



# 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>F2</sup>39C Rate of widowed parent's allowance <sup>F1</sup>...

(1) The weekly rate of a widowed parent's allowance shall be determined in accordance with the provisions of sections 44 to [<sup>F3</sup>45AA and Schedules 4A and 4B below as they apply] in the case of a Category A retirement pension, but subject, in particular, to the following provisions of this section and section [<sup>F4</sup>46] below.

[ In its application by virtue of subsection (1) above, section 44(4) below is to be read <sup>F5</sup>(1A) as if for the first amount specified in that provision there were substituted a reference to the amount prescribed for the purposes of this subsection.]

<sup>F6</sup>(2) .....

(3) In the application of sections 44 to [<sup>F7</sup>45AA and Schedules 4A and 4B below by virtue of subsection (1) above]—

- (a) where the deceased [<sup>F8</sup>spouse, civil partner or cohabiting partner] was over pensionable age at his or her death, references in those [<sup>F9</sup>provisions] to the pensioner shall be taken as references to the deceased [<sup>F8</sup>spouse, civil partner or cohabiting partner], and
- (b) where the deceased [<sup>F8</sup>spouse, civil partner or cohabiting partner] was under pensionable age at his or her death, references in those [<sup>F10</sup>provisions] to the pensioner and the tax year in which he attained pensionable age shall be taken as references to the deceased [<sup>F8</sup>spouse, civil partner or cohabiting partner] and the tax year in which he or she died.

*Status: Point in time view as at 30/08/2018.*

**Changes to legislation:** Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 39C is up to date with all changes known to be in force on or before 24 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)

- (4) Where a widowed parent's allowance is payable to a person whose [<sup>F11</sup>spouse, civil partner or cohabiting partner] dies after [<sup>F12</sup>5th October 2002], the additional pension falling to be calculated under sections 44 to [<sup>F13</sup>45AA and Schedules 4A and 4B below] by virtue of subsection (1) above shall be one half of the amount which it would be apart from this subsection.

<sup>F14</sup>(5) . . . . . ]

#### Textual Amendments

- F1** Words in s. 39C heading omitted (6.4.2017) by virtue of Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 14(4)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)
- F2** 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
- F3** Words in s. 39C(1) substituted (6.4.2016) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 77(2)**
- F4** Figure in s. 39C(1) substituted (3.1.2012) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), s. 118(1), **Sch. 3 para. 4(2)(c)** (with s. 73); S.R. 2011/441, art. 2(c)(iv)
- F5** S. 39C(1A)(2) substituted for s. 39C(2) (with effect in relation to the tax year 2010–11 and subsequent tax years) by Pensions Act (Northern Ireland) 2008 (c. 1), **s. 6(2)(a)** (with s. 6(3)); S.I. 2010/2650
- F6** S. 39C(2) omitted (6.4.2017) by virtue of Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 14(2)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)
- F7** Words in s. 39C(3) substituted (6.4.2016) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 77(3)**
- F8** Words in s. 39C(3) substituted (retrospective to 30.8.2018) by The Bereavement Benefits (Remedial) Order 2023 (S.I. 2023/134), arts. 1(3), **8(3)(a)**
- F9** Word in s. 39C(3)(a) substituted (11.2.2008) by Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 2 para. 4(3)**
- F10** Word in s. 39C(3)(b) substituted (11.2.2008) by Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 2 para. 4(3)**
- F11** Words in s. 39C(4) substituted (retrospective to 30.8.2018) by The Bereavement Benefits (Remedial) Order 2023 (S.I. 2023/134), arts. 1(3), **8(3)(b)**
- F12** Words in s. 39C(4) substituted (*retrospectively*) by virtue of 2000 c. 4 (N.I.), **s. 35(1)(a)(2)(a)**
- F13** Words in s. 39C(4) substituted (6.4.2016) by virtue of Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 77(4)**
- F14** S. 39C(5) omitted (6.4.2017) by virtue of Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 14(3)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

#### Modifications etc. (not altering text)

- C1** S. 39C modified (6.10.2002) by S.R. 2001/441, **art. 2**

**Status:**

Point in time view as at 30/08/2018.

**Changes to legislation:**

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