



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART I

CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

[^{F1}Bereavement benefits]

^{F13} **Late claims for bereavement benefit where death is difficult to establish.**

- (1) This section applies where a person's spouse [^{F2}or civil partner] has died or maybe 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 [^{F3}or civil partner's] body has not been discovered or identified or, if it has been discovered and identified, the surviving spouse [^{F2}or civil partner] does not know that fact; or
 - (ii) less than 12 months have elapsed since the surviving spouse [^{F2}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 Article 9 of the Social Security (Northern Ireland) Order 1998 that the spouse [^{F2}or civil partner] has died or is presumed to have died; or
 - (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 [^{F2}or civil partner] first knew of the discovery and identification of the body,

Status: Point in time view as at 01/10/2013. This version of this provision has been superseded.

Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Section 3 is up to date with all changes known to be in force on or before 17 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)

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 [^{F2}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 [^{F3}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 [^{F2}or civil partner] shall be entitled to that payment or, as the case may be, to that other benefit ^{F4}....

(4) In subsection (1) above “the appointed day” means the day appointed for the coming into operation of Articles 51 to 53 of the Welfare Reform and Pensions (Northern Ireland) Order 1999.]

Textual Amendments

- F1** S. 3 and preceding cross-heading substituted (24.4.2000 for certain purposes, otherwise 9.4.2001) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 16** (with art. 75); S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**
- F2** Words in s. 3 inserted (5.12.2005) by **Civil Partnership Act 2004 (c. 33)**, s. 263(8)(d), **Sch. 24 para. 108(a)**; S.I. 2005/3255, art. 2(1), Sch.
- F3** Words in s. 3 inserted (5.12.2005) by **Civil Partnership Act 2004 (c. 33)**, s. 263(8)(d), **Sch. 24 para. 108(b)**; S.I. 2005/3255, art. 2(1), Sch.
- F4** Words in s. 3(3) repealed (6.4.2003) by **Tax Credits Act 2002 (c. 21)**, s. 61, **Sch. 6**; S.I. 2003/962, art. 2(3)(e), Sch. 1

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