

*These notes refer to the Welfare Reform and Pensions Act  
1999 (c.30) which received Royal Assent on 11 November 1999*

# WELFARE REFORM AND PENSIONS ACT 1999

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## EXPLANATORY NOTES

### COMMENTARY

#### *Commentary*

#### ***Section 54: Bereavement Payment***

*Subsection (1)* replaces the Widow's Payment with a new benefit, which will be payable to both men and women – to be known as the "Bereavement Payment".

Section 36 of the Contributions and Benefits Act which provided for the Widow's Payment is therefore substituted by a *new section*, which refers to "person" and "spouse" rather than "woman" and "husband". It enables the Bereavement Payment to be paid to men or women whose spouse dies on or after the date on which the provision comes into force ("the appointed day").

*The inserted section 36(1)-(2)* set out the entitlement conditions for the Bereavement Payment. These duplicate the existing conditions for a Widow's Payment.

*The inserted section 36(2)* preserves the principle that prevented a widow from receiving a Widow's Payment if, at the time of her husband's death, she was living together with another man as husband and wife.

That same principle will apply with Bereavement Payment where the surviving spouse is, at the time of the late spouse's death, living together as husband and wife with a person of the opposite sex. There is no definition of "living together as husband and wife" in legislation, but the concept has been well developed in social security case law.

*Subsection (2)* replaces Part II of Schedule 4 to the Contributions and Benefits Act, so that the amount of the Bereavement payment will be £2,000. Widow's Payment is worth £1,000.