
STATUTORY INSTRUMENTS

1996 No. 2570

The Social Security (Back to Work Bonus) (No.2) Regulations 1996

[^{F1}]^{F2} Death

18.—(1) Subject to paragraph (4), where—

- (a) a person dies;
- (b) the person leaves behind a partner;
- (c) immediately before his death, the person was entitled to a qualifying benefit; and
- (d) immediately before his death the person would have been entitled to a bonus but for his failure to make a claim for it and satisfy the work condition,

paragraphs (2), (5) and (6) shall apply.

(2) Where the partner of a deceased person becomes entitled to a qualifying benefit for a period commencing within 12 weeks of the person's death then—

- (a) any waiting period served by the deceased person shall be treated as having been served by the partner; and
- (b) any amount which accrued towards his bonus shall be treated as having accrued towards the partner's bonus.

(3) Where at the date of death a person had been entitled to a qualifying benefit for less than 91 consecutive days, then those days count towards any waiting period which the partner is required to serve under regulation 6 [^{F3}where that partner becomes entitled to a qualifying benefit no more than 12 weeks after the date of death].

(4) This regulation does not apply where the qualifying benefit the deceased person was entitled to was a contribution-based jobseeker's allowance.

(5) Where the deceased person referred to in paragraph (2) was a member of a polygamous marriage—

- (a) any waiting period accruing under paragraph (2)(a) shall accrue to each of the deceased's partners;
- (b) any amount accrued towards the deceased person's bonus shall accrue towards each partner's bonus in accordance with the formula—

where— $D \times FE \div X$

D is the amount of the deceased person's earnings during his bonus period;

E is the total earnings of all members of the marriage in the deceased person's bonus period;

F is the amount of the bonus which would have been payable on the day before the death of the deceased had he been entitled to the bonus on that day; and

X is the number of surviving partners of the marriage.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Social Security (Back to Work Bonus) (No.2) Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(6) In the case of a partner who had earnings in the deceased partner's bonus period, which are included in the value "E" in paragraph (5), any amount of bonus which accrued to that partner in accordance with that paragraph shall be increased by an amount equal to the value of half those earnings.]]

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Textual Amendments

- F1** Instrument revoked (25.10.2004) by [The Social Security \(Back to Work Bonus and Lone Parent Run-on\) \(Amendment and Revocation\) Regulations 2003 \(S.I. 2003/1589\)](#), **reg. 8** (with reg. 10)
- F2** Words in reg. 1 substituted (25.10.2004) by [The Social Security \(Back to Work Bonus and Lone Parent Run-on\) \(Amendment and Revocation\) Regulations 2003 \(S.I. 2003/1589\)](#), reg. 10(3) (with reg. 10)
- F3** Word in reg. 18(3) inserted (7.4.1997) by [The Social Security \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/454\)](#), regs. 1(c), **3(4)**

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Changes and effects yet to be applied to :

- Regulations modified by [S.I. 1999/779 art. 2Sch.](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Act am. and rev.in pt. by [S.I. 1999/3178 art.3\(1\)\(15\)Sch 15](#)