
STATUTORY INSTRUMENTS

2000 No. 2239

SOCIAL SECURITY

**The Social Security Amendment
(Bereavement Benefits) Regulations 2000**

<i>Made</i>	- - - -	<i>17th August 2000</i>
<i>Laid before Parliament</i>		<i>24th August 2000</i>
<i>Coming into force</i>	- -	<i>9th April 2001</i>

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 124(1)(e), 135(1), 136(5)(b), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992^{M1} and sections 12(4)(b) and 35(1) of the Jobseekers Act 1995^{M2} and of all other powers enabling him in that behalf, after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to him to be representative of the authorities concerned^{M3} and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it^{M4}, hereby makes the following Regulations:

Marginal Citations

- M1** 1992 c. 4; section 123(1)(d) was inserted and section 137 amended, in respect of council tax benefit, by Schedule 9 to the [Local Government Finance Act 1992 \(c. 14\)](#). Section 137(1) is cited because of the meaning ascribed to the word "prescribed".
- M2** 1995 c. 18; section 35(1) is cited because of the meaning ascribed to the words "prescribed" and "regulations".
- M3** See section 176(1) of the [Social Security Administration Act 1992 \(c. 5\)](#).
- M4** See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

Citation, commencement and interpretation

1.—(1) These Regulations shall be cited as the Social Security Amendment (Bereavement Benefits) Regulations 2000 and shall, subject to paragraphs (2) and (3) below, come into force on 9th April 2001.

(2) Regulation 2(4) of these Regulations shall, in relation to any particular claimant for income support, have effect from the first day of the first benefit week to commence for that claimant on or

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after 9th April 2001 and in this paragraph, the expressions “benefit week” and “claimant” shall have the same meaning as in regulation 2(1) of the Income Support Regulations ^{M5}.

(3) Regulation 3(3) of these Regulations shall, in relation to any particular claimant for a jobseeker’s allowance, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph, the expression “benefit week” shall have the same meaning as in regulation 1(3) of the Jobseeker’s Allowance Regulations ^{M6}.

(4) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992 ^{M7};

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987 ^{M8};

“the Income Support Regulations” means the Income Support (General) Regulations 1987 ^{M9};

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996 ^{M10}.

Marginal Citations

M5 The definition of “benefit week” was amended by [S.I. 1988/1445](#).

M6 The definition of “benefit week” was amended by [S.I. 1996/1517](#) and 2538.

M7 [S.I. 1992/1814](#).

M8 [S.I. 1987/1971](#).

M9 [S.I. 1987/1967](#).

M10 [S.I. 1996/207](#).

Amendment of the Income Support Regulations

2.—(1) The Income Support Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) After paragraph 16 in Schedule 1B ^{M11} (prescribed categories of person) there shall be inserted the following paragraph—

“ Certain persons aged between 55 and 60 whose spouse has died

16A. A person—

- (a) who had, as at 9th April 2001, attained the age of 55 but not the age of 60;
- (b) whose spouse died during the period beginning on 9th April 2001 and ending on 9th April 2006; and
- (c) who is claiming income support as a single claimant.”.

(3) In Schedule 2 (applicable amounts)—

- (a) in paragraph 4 ^{M12}, for the words “paragraphs 9” there shall be substituted the words “paragraphs 8A ”;
- (b) after paragraph 7 there shall be inserted the following paragraph—

“ Bereavement Premium

8A.—(1) Subject to sub-paragraphs (2) and (3), the condition is that the claimant—

- (a) had, as at 9th April 2001, attained the age of 55 but not the age of 60;

- (b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B of the Contributions and Benefits Act ^{M13} in respect of the death of a spouse who died on or after 9th April 2001; and
 - (c) is claiming income support as a single claimant.
- (2) A premium under sub-paragraph (1) shall not be applicable in respect of a claimant who claims income support more than 8 weeks after the last day on which he was entitled to a bereavement allowance.
- (3) Where a claimant to whom a premium under sub-paragraph (1) is applicable, ceases to be entitled to income support or to be a single claimant, a premium under sub-paragraph (1) shall only again be applicable to that claimant where he claims income support as a single claimant no more than 8 weeks after the date on which he ceased to be entitled to income support or to an income-based jobseeker's allowance or, as the case may be, to be a single claimant.”;
- (c) immediately before sub-paragraph (2) in the table in paragraph 15 there shall be inserted the following sub-paragraph respectively in each column—

“(1A)Bereavement Premium.

(1A)£15.30.”.

(4) After sub-paragraph (f) of paragraph 16 of Schedule 9 ^{M14} (sums to be disregarded in the calculation of income other than earnings), there shall be added the following sub-paragraphs—

- “(g) any widowed mother's allowance paid pursuant to section 37 of the Contributions and Benefits Act;
- (h) any widowed parent's allowance paid pursuant to section 39A of the Contributions and Benefits Act ^{M15}.”.

Marginal Citations

M11 [Schedule 1B](#) was inserted by [S.I. 1996/206](#).

M12 [Paragraph 4](#) was amended by [S.I. 1988/1445](#), [1990/1776](#) and [1996/1803](#).

M13 [Section 39B](#) was inserted by section 55(2) of the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#).

M14 [Paragraph 16](#) was substituted by [S.I. 1995/2792](#).

M15 [Section 39A](#) was inserted by section 55(2) of the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#).

Amendment of the Jobseeker's Allowance Regulations

3.—(1) The Jobseeker's Allowance Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In Schedule 1 (applicable amounts)—

- (a) in paragraph 5 ^{M16}, for the words “paragraphs 10” there shall be substituted the words “paragraphs 9A ”;
- (b) after paragraph 8 there shall be inserted the following paragraph—

“ Bereavement Premium

9A.—(1) Subject to sub-paragraphs (2) and (3), the condition is that the claimant—

- (a) had, as at 9th April 2001, attained the age of 55 but not the age of 60;

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- (b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B of the Benefits Act in respect of the death of a spouse who died on or after 9th April 2001; and
- (c) is claiming a jobseeker’s allowance as a single claimant.
- (2) A premium under sub-paragraph (1) shall not be applicable in respect of a claimant who claims a jobseeker’s allowance more than 8 weeks after the last day on which he was entitled to a bereavement allowance.
- (3) Where a claimant to whom a premium under sub-paragraph (1) is applicable, ceases to be entitled to an income-based jobseeker’s allowance or to be a single claimant, a premium under sub-paragraph (1) shall only again be applicable to that claimant where he claims a jobseeker’s allowance as a single claimant no more than 8 weeks after the date on which he ceased to be entitled to an income-based jobseeker’s allowance or to income support or, as the case may be, to be a single claimant.”;
- (c) immediately before sub-paragraph (2) in the table in paragraph 20 there shall be inserted the following sub-paragraph respectively in each column—

“(1A) Bereavement Premium.	(1A) £15.30.”.
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(3) After sub-paragraph (c) of paragraph 17 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings), there shall be added the following sub-paragraph—

- “(d) any widowed mother’s allowance paid pursuant to section 37 of the Benefits Act;
- (e) any widowed parent’s allowance paid pursuant to section 39A of the Benefits Act.”.

Marginal Citations

M16 Paragraph 5 was amended by [S.I. 1996/1803](#).

Amendment of the Housing Benefit Regulations

4.—(1) The Housing Benefit Regulations shall be amended in accordance with the following paragraphs of this regulation.

- (2) In Schedule 2 (applicable amounts)—
- (a) in paragraph 4^{M17}, for the words “paragraphs 9” there shall be substituted the words “paragraphs 8A”;
- (b) after paragraph 7 there shall be inserted the following paragraph—

“ Bereavement Premium

- 8A.**—(1) Subject to sub-paragraphs (2) and (3), the condition is that the claimant—
- (a) had, as at 9th April 2001, attained the age of 55 but not the age of 60;
- (b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B of the Contributions and Benefits Act in respect of the death of a spouse who died on or after 9th April 2001; and
- (c) is claiming housing benefit as a single claimant.
- (2) A premium under sub-paragraph (1) shall, except in a case to which sub-paragraph (4) applies, not be applicable in respect of a claimant who claims housing benefit more than 8 weeks after the last day on which he was entitled to a bereavement allowance.

(3) Where a claimant to whom a premium under sub-paragraph (1) is applicable, ceases to be entitled to housing benefit or to be a single claimant, a premium under sub-paragraph (1) shall only again be applicable to that claimant where he claims housing benefit as a single claimant no more than 8 weeks after the date on which he ceased to be entitled to housing benefit or, as the case may be, to be a single claimant.

(4) Where a premium under sub-paragraph (1) becomes applicable to a claimant, it shall again be applicable to that claimant where he claims housing benefit as a single claimant at the end of the benefit period in which it first became applicable and at the end of each subsequent benefit period provided, where he ceases to be a single claimant during the course of any benefit period, he does not cease to be a single claimant for more than 8 weeks.

(5) For the purposes of this paragraph, where the claimant—

(a) was entitled to council tax benefit at any time in the period of 8 weeks before becoming entitled or re-entitled to housing benefit; and

(b) satisfied the conditions in respect of a bereavement premium under paragraph 8A of Schedule 1 to the Council Tax Benefit (General) Regulations 1992,

for the purpose of establishing entitlement or re-entitlement for housing benefit, he shall be treated as satisfying the equivalent conditions for a bereavement premium under this paragraph.”;

(c) immediately before sub-paragraph (2) in the table in paragraph 15 there shall be inserted the following sub-paragraph respectively in each column—

“(1A)Bereavement Premium. c>

(1A)£15.30.”.

(3) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

(a) after paragraph 14, there shall be inserted the following paragraph—

“**14A.** Subject to paragraph 33, £15 of any—

(a) widowed mother’s allowance paid pursuant to section 37 of the Contributions and Benefits Act;

(b) widowed parent’s allowance paid pursuant to section 39A of the Contributions and Benefits Act.”;

(b) in paragraph 33, for the words “and 14” there shall be substituted the words “ , 14 and 14A ”.

Marginal Citations

M17 Paragraph 4 was amended by [S.I. 1990/1775](#) and 1996/1803.

Amendment of the Council Tax Benefit Regulations

5.—(1) The Council Tax Benefit Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In Schedule 1 (applicable amounts)—

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- (a) in paragraph 4^{M18}, for the words “paragraphs 9” there shall be substituted the words “paragraphs 8A”;
- (b) after paragraph 7 there shall be inserted the following paragraph—

“ Bereavement Premium

8A.—(1) Subject to sub-paragraphs (2) and (3), the condition is that the claimant—

- (a) had, as at 9th April 2001, attained the age of 55 but not the age of 60;
- (b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B of the Contributions and Benefits Act 1992 in respect of the death of a spouse who died on or after 9th April 2001; and
- (c) is claiming council tax benefit as a single claimant.

(2) A premium under sub-paragraph (1) shall, except in a case to which sub-paragraph (4) applies, not be applicable in respect of a claimant who claims council tax benefit more than 8 weeks after the last day on which he was entitled to a bereavement allowance.

(3) Where a claimant to whom a premium under sub-paragraph (1) is applicable, ceases to be entitled to council tax benefit or to be a single claimant, a premium under sub-paragraph (1) shall only again be applicable to that claimant where he claims council tax benefit as a single claimant no more than 8 weeks after the date on which he ceased to be entitled to council tax benefit or, as the case may be, to be a single claimant.

(4) Where a premium under sub-paragraph (1) becomes applicable to a claimant, it shall again be applicable to that claimant where he claims council tax benefit as a single claimant at the end of the benefit period in which it first became applicable and at the end of each subsequent benefit period provided, where he ceases to be a single claimant during the course of any benefit period, he does not cease to be a single claimant for more than 8 weeks.

(5) For the purposes of this paragraph, where the claimant—

- (a) was entitled to housing benefit at any time in the period of 8 weeks before becoming entitled or re-entitled to council tax benefit; and
- (b) satisfied the conditions in respect of a bereavement premium under paragraph 8A of Schedule 2 to the Housing Benefit (General) Regulations 1987,

for the purpose of establishing entitlement or re-entitlement for council tax benefit, he shall be treated as satisfying the equivalent conditions for a bereavement premium under this paragraph.”;

- (c) immediately before sub-paragraph (2) in the table in paragraph 19 there shall be inserted the following sub-paragraph respectively in each column—

“(1A) Bereavement Premium.

(1A) £15.30.”.

(3) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

- (a) after paragraph 14, there shall be inserted the following paragraph—

“14A. Subject to paragraph 34, £15 of any—

- (a) widowed mother’s allowance paid pursuant to section 37 of the Contributions and Benefits Act 1992;

- (b) widowed parent's allowance paid pursuant to section 39A of the Contributions and Benefits Act 1992.”;
- (b) in paragraph 34, for the words “and 14” there shall be substituted the words “ , 14 and 14A ”.

Marginal Citations

M18 Paragraph 4 was amended by S.I. 1996/1803.

Cessation in operation of certain provisions of these Regulations

6. Regulations 2(2) and (3), 3(2), 4(2) and 5(2) of these Regulations shall cease to have effect on 10th April 2006 and the Income Support Regulations, the Jobseeker's Allowance Regulations, the Housing Benefit Regulations and the Council Tax Benefit Regulations shall apply thereafter as if the amendments made to them by those regulations had not been made.

Signed by authority of the Secretary of State for Social Security.

17th August 2000

Angela Eagle
Parliamentary Under-Secretary of State,
Department of Social Security

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814).

In particular, they provide that—

—certain persons aged between 55 and 60 whose spouse has died may be entitled to income support (regulation 2(2));

—subject to certain conditions, an additional premium is payable in those benefits to such persons where a person's entitlement to a bereavement allowance has expired, the premium only being payable until 9th April 2006 (regulation 2(3), 3(2), 4(2) and 5(2));

—certain amounts of a widowed mother's allowance and widowed parent's allowance are disregarded for the purpose of ascertaining entitlement to those benefits (regulation 2(4), 3(3), 4(3)(a) and 5(3)(a)).

Regulations 4(3)(b) and 5(3)(b) make consequential amendments.

Regulation 6 provides for the provisions of these Regulations (apart from those relating to the disregard of widowed mother's allowance and widowed parent's allowance) to cease to have effect on 10th April 2006. By this date, all those entitled to income support by virtue of the amendment made by regulation 2(2), will be eligible to claim that benefit because they have attained the age of 60 when the premium payable under regulations 2(3), 3(2), 4(2) and 5(2) will be replaced by a pensioner premium of a higher value.

These Regulations do not impose a charge on business.

Status:

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Changes to legislation:

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