
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Pensions Act 2014 (c.19) creates a new bereavement support payment for people whose spouse or civil partner dies on or after the date these Regulations come into force. It replaces the existing social security benefits for the bereaved (bereavement allowance, widow's pension, widowed mother's allowance, widowed parent's allowance and bereavement payment). These Regulations set out some of the detailed rules relating to the new bereavement support payment.

Regulation 2 specifies the period for which bereavement support payment is payable. The period lasts a maximum of 18 months. If the person claims within three months of the death of their spouse or civil partner, the period starts on the date of death and lasts 18 months. If the person claims more than three months after the death, the period starts three months before the claim and ends 18 months after the date of death. Therefore, if the person claims 20 months after the date of death, the period only lasts for one month.

Regulation 3 sets the rate of bereavement support payment. There are two rates, the standard rate and the higher rate. The standard rate is £100 per month and the higher rate is £350 per month. In addition, if the person has claimed 12 months or less after the date of the death of their spouse or civil partner, there is an extra £3,500 at the higher rate for the first month and an extra £2,500 at the standard rate for the first month.

Regulation 4 lists the persons who are entitled to the higher rate. These are pregnant women and certain persons who are entitled to child benefit. It also includes persons who become entitled to child benefit after the date of death and later cease to be entitled to child benefit. A person who is not entitled to the higher rate is entitled to the standard rate (regulation 5).

Regulations 6 and 7 contain provisions about prisoners. For these purposes, prisoners are people who are imprisoned, detained in legal custody or unlawfully at large. They can be a prisoner in Great Britain or abroad. These prisoners may not be entitled to be paid any bereavement support payment under the Pensions Act 2014. Regulation 6 lists the prisoners who are not entitled to be paid bereavement support payment. It provides that some prisoners abroad can be paid if they would not have been imprisoned in Great Britain. Regulation 7 provides that prisoners on remand are not to be paid if they later receive certain types of sentence.

Regulation 8 adds the part of the Channel Islands (currently Sark) which is not covered by an order under section 179 of the Social Security Administration Act 1992 (c.5) (which concerns social security reciprocal agreements) to the territories in which a person must be ordinarily resident in order to be entitled to bereavement support payment. Section 30(1)(c) of the Pensions Act 2014 provides that the other territory is Great Britain.

A full impact assessment has not been published for these Regulations as they have no impact on the private sector or civil society organisations. An assessment has been made of the impact of the introduction of bereavement support payment. Copies of that impact assessment may be obtained from the Legislation Team of the Department for Work and Pensions, Caxton House, Tothill Street, London SW1 9NA or from the DWP website: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311316/pensions-act-ia-annex-a-single-tier-state-pension.pdf. (Annex A contains the assessment for bereavement support payment.)

Changes to legislation:

There are currently no known outstanding effects for the The Bereavement Support Payment Regulations 2017.