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STATUTORY INSTRUMENTS

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**2017 No. 422**

**SOCIAL SECURITY**

**The Pensions Act 2014 (Consequential, Supplementary  
and Incidental Amendments) Order 2017**

*Made* - - - - *at 9.00 a.m. on 16th*  
*March 2017*  
*Laid before Parliament* *at 2.00 p.m. on 16th*  
*March 2017*  
*Coming into force in accordance with articles 1(2), 2*  
*and 3*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 53 and 54(5) of the Pensions Act 2014(1).

**Citation and commencement**

1.—(1) This Order may be cited as the Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017.

(2) This Order comes into force on the day on which section 30 of the Pensions Act 2014 (bereavement support payment) comes into force for all purposes (this is subject to articles 2 and 3).

**Commencement Information**

**II** Art. 1 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Later commencement for abolition of bereavement payment and bereavement allowance**

2.—(1) This Order does not come into force in accordance with article 1(2) for a person to whom this article applies (this is subject to article 3).

(2) This article applies to a person who, on the day before the day on which section 30 of the Pensions Act 2014 comes into force for all purposes—

(a) was entitled to—

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- (i) a bereavement payment under section 36 of the Social Security Contributions and Benefits Act 1992 (bereavement payment)(2); or
- (ii) a bereavement allowance under section 39B of that Act (bereavement allowance where no dependent children)(3); or
- (b) would have been entitled to such a benefit if they made a claim for it.
- (3) But this article ceases to apply to a person if—
  - (a) they were entitled to a benefit in accordance with paragraph (2)(a) and they are no longer entitled to that benefit; or
  - (b) they would have been entitled to a benefit in accordance with paragraph (2)(b) and they would no longer be entitled to that benefit if they made a claim for it.
- (4) On the date this article ceases to apply to a person, this Order comes into force for that person.

#### Commencement Information

**I2** Art. 2 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### Commencement for entitlement to bereavement payment and bereavement support payment

**3.—(1)** This Order does not come into force in accordance with article 1(2) for a person to whom this article applies.

- (2) This article applies to a person—
  - (a) whose spouse or civil partner died in the 12 months before the day on which section 30 of the Pensions Act 2014 came into force for all purposes;
  - (b) who would have been entitled to a bereavement payment under section 36 of the Social Security Contributions and Benefits Act 1992 if they had made a claim for it;
  - (c) who formed a new marriage or civil partnership; and
  - (d) whose new spouse or civil partner died—
    - (i) on or after the day on which section 30 of the Pensions Act 2014 came into force for all purposes; and
    - (ii) within 12 months of the death referred to in sub-paragraph (a).
- (3) This Order comes into force for a person to whom this article applies—
  - (a) at the end of the period of 12 months starting on the day on which the death referred to in paragraph (2)(a) occurred, for the purposes of entitlement to bereavement payment for the death referred to in paragraph (2)(a); and
  - (b) on the day on which section 30 of the Pensions Act 2014 comes into force for all purposes, for the purposes of entitlement to bereavement support payment for the death referred to in paragraph (2)(d).

#### Commencement Information

**I3** Art. 3 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

- (2) [1992 c.4](#). Section 36 was substituted by section 54 of the Welfare Reform and Pensions Act 1999 ([c.30](#)) and amended by paragraph 16 of Schedule 24 to the Civil Partnership Act 2004 ([c.33](#)) and S.I.s [2014/560](#) and [3229](#) and [2016/408](#).
- (3) Section 39B was inserted by section 55(2) of the Welfare Reform and Pensions Act 1999 and amended by paragraph 21 of Schedule 24 and Schedule 30 to the Civil Partnership Act 2004 and S.I.s [2014/560](#) and [3229](#).

## Amendment of the Social Security (Credits) Regulations 1975

- 4.—(1) The Social Security (Credits) Regulations 1975<sup>(4)</sup> are amended as follows.
- (2) In regulation 2(1) (interpretation)<sup>(5)</sup>—
- (a) omit the definitions of “bereavement allowance” and “bereavement benefit”; and
  - (b) in the definition of “reckonable year”, omit “bereavement benefits”.
- (3) In regulation 3(1)(ab) (general provisions relating to the crediting of contributions and earnings)<sup>(6)</sup>, omit paragraph (iii) except for the “and” immediately after it.
- (4) In regulation 4(1) (starting credits for the purposes of various benefits)<sup>(7)</sup> and in the heading to regulation 4, omit “, a bereavement allowance”.
- (5) In regulation 7A(1) (credits for carer’s allowance)<sup>(8)</sup>, for “bereavement benefit” substitute “widowed parent’s allowance”.
- (6) In regulation 7C(1) (credits for working tax credit)<sup>(9)</sup>, omit “, a bereavement allowance”.
- (7) In regulation 8C (credits on termination of bereavement benefits)<sup>(10)</sup>, after paragraph (2) insert—
- “(3) In this regulation, “bereavement benefit” means—
    - (a) a bereavement payment referred to in section 36 of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 8 of Schedule 16 to the Pensions Act 2014;
    - (b) a bereavement allowance referred to in section 39B of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014; and
    - (c) widowed parent’s allowance.”
- (8) In regulation 8E(3) (credits for the purposes of entitlement to retirement pension following official error)<sup>(11)</sup>, after “bereavement allowance” insert “referred to in section 39B of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014”.
- (9) In regulation 8G(2) (credits for persons entitled to universal credit)<sup>(12)</sup>, omit sub-paragraph (d).
- (10) In regulation 9F (credits for persons providing care for a child under the age of 12)<sup>(13)</sup>—
- (a) in paragraph (2)(b), omit “or bereavement allowance”; and
  - (b) omit paragraph (3)(e).

### Commencement Information

**I4** Art. 4 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

<sup>(4)</sup> S.I. 1975/556.

<sup>(5)</sup> The definitions of “bereavement allowance” and “bereavement benefit” were inserted by S.I. 2000/1483. The definition of “reckonable year” was inserted by S.I. 1996/2367 and amended by S.I.s 2007/1749 and 2008/1554.

<sup>(6)</sup> Regulation 3(1) was substituted by S.I. 1996/2367 and sub-paragraph (ab) was inserted by S.I. 2009/2206.

<sup>(7)</sup> Regulation 4(1) was amended by S.I.s 1988/1545, 2000/1483 and 2011/709.

<sup>(8)</sup> Regulation 7A was inserted by S.I. 1976/409 and paragraph (1) was amended by S.I.s 1987/414, 1988/1545, 2000/1483, 2002/490 and 2497, 2005/2877 and 2010/1160.

<sup>(9)</sup> Regulation 7C was inserted by S.I. 1995/2558 and paragraph (1) was amended by S.I.s 2000/1483 and 2003/455.

<sup>(10)</sup> Regulation 8C was inserted by S.I. 2000/1483.

<sup>(11)</sup> Regulation 8E was inserted by S.I. 2007/2582.

<sup>(12)</sup> Regulation 8G was inserted by S.I. 2013/630.

<sup>(13)</sup> Regulation 9F was inserted by S.I. 2011/709.

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### **Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975**

5.—(1) The Social Security Benefit (Persons Abroad) Regulations 1975(14) are amended as follows.

(2) In regulation 1(2) (interpretation)(15), omit the definitions of “bereavement allowance”, “bereavement benefit” and “bereavement payment”.

(3) In regulation 4(1) (modification of the Social Security Contributions and Benefits Act 1992)(16) and in the heading to regulation 4, for “bereavement benefit” substitute “widowed parent’s allowance”.

(4) Omit regulation 4(2B)(17).

(5) In regulation 5(3)(d) (application of disqualification in respect of up-rating of benefit)(18), for “bereavement benefit” substitute “widowed parent’s allowance”.

(6) In regulation 5A (rate of guaranteed minimum pension)(19), omit “, bereavement allowance”.

#### **Commencement Information**

**I5** Art. 5 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### **Amendment of the Social Security (Overlapping Benefits) Regulations 1979**

6.—(1) The Social Security (Overlapping Benefits) Regulations 1979(20) are amended as follows.

(2) In regulation 2(1) (interpretation)(21), omit the definition of “bereavement allowance”.

(3) In the Schedule (personal benefits which are required to be adjusted)(22) in paragraph 3 of column (1), omit “, bereavement allowance”.

#### **Commencement Information**

**I6** Art. 6 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### **Amendment of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979**

7.—(1) The Social Security (Widow’s Benefit and Retirement Pensions) Regulations 1979(23) are amended as follows.

(2) In regulation 1(2) (interpretation)(24) in the definition of “bereavement allowance”, insert at the end “(as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014)”.

(14) [S.I. 1975/563](#).

(15) The definitions of “bereavement allowance” and “bereavement benefit” were inserted by [S.I. 2000/2876](#) and the definition of “bereavement payment” was inserted by [S.I. 2001/2618](#).

(16) Regulation 4(1) was amended by [S.I. 1992/1700](#), [2000/2876](#) (as was the heading to regulation 4) and [2005/1551](#).

(17) Paragraph (2B) was inserted by [S.I. 2000/2876](#) and amended by S.I.s [2001/2618](#), [2005/2877](#) and [2010/788](#).

(18) Regulation 5(3)(d) was amended by S.I.s [1989/1642](#), [2000/2876](#) and [2005/2877](#).

(19) Regulation 5A was inserted by [S.I. 1990/621](#) and amended by [S.I. 2000/2876](#).

(20) [S.I. 1979/597](#).

(21) The definition of “bereavement allowance” was inserted by [S.I. 2000/1483](#).

(22) Paragraph 3 of column 1 was amended by [S.I. 2000/1483](#).

(23) [S.I. 1979/642](#).

(24) The definition of “bereavement allowance” was inserted by [S.I. 2000/1483](#).

(3) In regulation 6(1) (rate of benefit where the second contribution condition is not satisfied)(25), omit sub-paragraph (ab).

(4) After regulation 7A (Category B retirement pension for surviving spouses and surviving civil partners)(26), insert—

**“Notional entitlement to Category B retirement pension for new State Pension purposes**

**7B.**—(1) This regulation applies for the purposes of determining whether, in accordance with paragraph 3(1)(d) of Schedule 3 to the Pensions Act 2014 (survivor’s pension inherited amount: dead spouse or civil partner in old state pension scheme)(27), a person (“the pensioner”) would have been entitled to a Category B retirement pension.

(2) The pensioner shall be treated as being entitled to bereavement support payment if the pensioner would have been so entitled but for one or both of the circumstances specified in paragraph (3).

(3) The circumstances referred to in paragraph (2) are—

- (a) the pensioner’s failure to make, or the pensioner’s delay in making, a claim for that bereavement support payment;
- (b) the operation of section 32 of the Pensions Act 2014 (bereavement support payment: prisoners) or any regulations made under that section.”.

**Commencement Information**

**I7** Art. 7 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Social Security (General Benefit) Regulations 1982**

**8.**—(1) The Social Security (General Benefit) Regulations 1982(28) are amended as follows.

(2) In regulation 1(2) (interpretation)(29), omit the definition of “bereavement benefit”.

(3) In regulation 2(2) (exceptions from disqualification for imprisonment etc.)(30), for “bereavement benefit” substitute “widowed parent’s allowance”.

**Commencement Information**

**I8** Art. 8 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Income Support (General) Regulations 1987**

**9.**—(1) The Income Support (General) Regulations 1987(31) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “the benefits Acts”(32), for “Part 1 of the Pensions Act 2014” substitute “Parts 1 and 5 of the Pensions Act 2014”.

(25) Sub-paragraph (ab) was inserted by [S.I. 2000/1483](#).

(26) Regulation 7A was inserted by [S.I. 2000/1483](#) and amended by [S.I. 2005/2877](#).

(27) See [S.I. 2016/408](#) for transitional provisions relating to paragraph 3 of Schedule 3.

(28) [S.I. 1982/1408](#).

(29) The definition of “bereavement benefit” was inserted by [S.I. 2000/1483](#).

(30) The words “bereavement benefit” were inserted into regulation 2 by [S.I. 2000/1483](#).

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

(32) The definition of “the benefits Acts” was inserted by [S.I. 1996/206](#) and amended by S.I.s [2008/1554](#), [2013/388](#) and [2015/1985](#).

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(3) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)(**33**), after paragraph 79 insert—

“**80.** Any bereavement support payment under section 30 of the Pensions Act 2014 (bereavement support payment) except any such payment which is disregarded as capital under paragraph 7(1)(f) or 72 of Schedule 10.”.

(4) In Schedule 10 (capital to be disregarded)(**34**)—

(a) in paragraph 7(1), after paragraph (e) insert—

“(f) bereavement support payment under section 30 of the Pensions Act 2014,”; and

(b) after paragraph 71, insert—

“**72.** Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment)(**35**), but only for a period of 52 weeks from the date of receipt of the payment.”.

#### Commencement Information

**19** Art. 9 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### Amendment of the Social Security (Claims and Payments) Regulations 1987

**10.**—(1) The Social Security (Claims and Payments) Regulations 1987(**36**) are amended as follows.

(2) In regulation 2 (interpretation)(**37**)—

(a) in paragraph (1)—

(i) for the definitions of “bereavement allowance” and “bereavement benefit” substitute—

““bereavement benefit” means—

(a) a bereavement payment referred to in section 36 of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 8 of Schedule 16 to the Pensions Act 2014;

(b) a bereavement allowance referred to in section 39B of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014; and

(c) widowed parent’s allowance;

“bereavement support payment” means bereavement support payment under section 30 of the Pensions Act 2014;”;

(ii) in the definition of “long-term benefits”, omit “bereavement allowance,”; and

(iii) in the definition of “working age benefit”, omit paragraph (a); and

(33) Paragraph 79 of Schedule 9 was inserted by [S.I. 2014/2103](#).

(34) Paragraph 7(1) of Schedule 10 was numbered as paragraph 7(1) by [S.I. 2002/2380](#) and paragraph 7(1)(e) was inserted by [S.I. 2013/630](#). Paragraph 71 of Schedule 10 was inserted by [S.I. 2014/2103](#).

(35) [S.I. 2017/410](#).

(36) [S.I. 1987/1968](#). Those Regulations were revoked by [S.I. 2003/492](#) for the purposes of child benefit and guardian’s allowance.

(37) The definitions of “bereavement allowance” and “bereavement benefits” were inserted by [S.I. 2000/1483](#). The words “bereavement allowance” were inserted into the definition of “long-term benefits” by [S.I. 2000/1483](#). The definition of “working age benefit” was inserted by [S.I. 2009/3229](#).

- (b) in paragraph (2)(b), after “a shared additional pension” insert “, bereavement support payment”.
- (3) In regulation 3(1) (claims not required for entitlement to benefit in certain cases)(**38**)—
- (a) for sub-paragraph (a)(iv), substitute—  
“(iv) widowed parent’s allowance;”;
- (b) in sub-paragraph (d)(ii), omit “or bereavement allowance”; and
- (c) omit sub-paragraph (da).
- (4) In regulation 4 (making a claim for benefit)(**39**)—
- (a) in paragraph (6A)(a)(i), for “a bereavement benefit” substitute “widowed parent’s allowance”; and
- (b) for paragraph (11)(e), substitute—  
“(e) widowed parent’s allowance;  
(ea) bereavement support payment;”.
- (5) In regulation 4ZC(2) (electronic claims for benefit)(**40**), after sub-paragraph (b) insert—  
“(ba) bereavement support payment;”.
- (6) In regulation 16 (date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate)(**41**)—
- (a) in paragraph (2A), omit “bereavement allowance;”;
- (b) in paragraph (3)(c)(i), for “bereavement allowance” substitute “bereavement support payment”; and
- (c) in paragraph (4), for “bereavement allowance” substitute “bereavement support payment”.
- (7) In regulation 19 (time for claiming benefit)(**42**)—
- (a) for paragraph (3)(ga), substitute—  
“(ga) subject to paragraph (3B), widowed parent’s allowance;  
(gb) subject to paragraph (3BA), bereavement support payment;”;
- (b) omit paragraph (3A);
- (c) in paragraph (3B), for “a bereavement benefit” substitute “widowed parent’s allowance”; and
- (d) after paragraph (3B), insert—  
“(3BA) The prescribed time for claiming bereavement support payment in respect of—  
(a) the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment); and  
(b) the date on which the claimant’s spouse or civil partner died,  
is 12 months beginning with that date of death.”.

(38) Paragraph (1) of regulation 3 was numbered as paragraph (1) by [S.I. 2015/437](#). Regulation 3(1)(a)(iv) was inserted by [S.I. 2000/1483](#).

(39) Regulation 4(6A) was inserted by [S.I. 2003/1632](#) and the introductory words of paragraph (6A) were amended by [S.I. 2007/2911](#). Regulation 4(11) was inserted by [S.I. 2005/34](#) and substituted by [S.I. 2016/544](#).

(40) Regulation 4ZC was inserted by [S.I. 2003/2800](#) and paragraph (2) was substituted by [S.I. 2016/544](#).

(41) Regulation 16(2A) was inserted by [S.I. 2009/604](#). Regulation 16(3) was substituted by [S.I. 1988/522](#) and sub-paragraph (c) was substituted by [S.I. 2009/604](#). The words “bereavement allowance” were inserted into regulation 16(4) by [S.I. 2009/604](#).

(42) Regulation 19 was substituted by [S.I. 1997/793](#). Regulation 19(3)(ga) was inserted by [S.I. 2000/1483](#) and substituted by [S.I. 2005/777](#). Paragraph (3A) was inserted by [S.I. 2002/2660](#) and amended by [S.I. 2005/777](#). Paragraph (3B) was inserted by [S.I. 2005/777](#).



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(8) In regulation 22A(1) (bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension)(43) and in the heading to regulation 22A, omit “bereavement allowance.”

(9) Omit—

(a) “bereavement allowance,” in the heading to regulation 22B (payment of bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension at a daily rate)(44);

(b) “bereavement allowance or” in regulation 22B(1); and

(c) regulation 22B(5)(a).

(10) In regulation 32ZA(2) (information given electronically)(45), after sub-paragraph (a) insert—

“(aa) bereavement support payment;”.

(11) In regulation 32B(3) (information relating to awards of benefit)(46), omit sub-paragraphs (b) and (c).

(12) In Part 1 of Schedule 1 (benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative)(47)—

(a) in column (1)—

(i) after the entry for “working families’ tax credit”, insert “bereavement benefit”; and

(ii) after that new entry, insert “bereavement support payment”; and

(b) in column (2)—

(i) after the entry for “disabled person’s tax credit”, insert “bereavement support payment”; and

(ii) after that new entry, insert “bereavement benefit”.

(13) In Schedule 7 (time of payment and commencement of entitlement in income support cases)(48), for “bereavement benefit” substitute “widowed parent’s allowance” in the following places—

(a) paragraph 2(c);

(b) paragraph 2ZA; and

(c) paragraph 4 in the definition of “relevant social security benefit”.

(14) In paragraph 2(1) of Schedule 9ZC (conditions for the use of electronic communication)(49), after paragraph (b) insert—

“(ba) bereavement support payment;”.

### Commencement Information

**I10** Art. 10 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

(43) Regulation 22A was inserted by [S.I. 2009/604](#).

(44) Regulation 22B was inserted by [S.I. 2009/604](#).

(45) Regulation 32ZA was inserted by [S.I. 2003/2800](#) and paragraph (2) was substituted by [S.I. 2001/1498](#).

(46) Regulation 32B was inserted by [S.I. 2007/2911](#).

(47) The entry for “working families’ tax credit” in column (1) was given that label by [S.I. 1999/2572](#) and the entry for “disabled person’s tax credit” in column (2) was given that label by [S.I. 1999/2572](#).

(48) In paragraphs 2(c) and 4, the words “bereavement benefit” were inserted by [S.I. 2000/1483](#). Paragraph 2ZA was inserted by [S.I. 2009/604](#).

(49) Schedule 9ZC was inserted by [S.I. 2003/2800](#). Paragraph 2(1) was substituted by [S.I. 2016/544](#).



### **Amendment of the Social Fund (Recovery by Deductions from Benefits) Regulations 1988**

**11.** In regulation 3 of the Social Fund (Recovery by Deductions from Benefits) Regulations 1988 (benefits from which an award may be recovered)(**50**), omit paragraph (ff).

#### **Commencement Information**

**I11** Art. 11 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### **Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992**

**12.** In Schedule 2 to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (amounts to be disregarded when calculating or estimating N and M)(**51**), after paragraph 7A insert—

“**7B.** Any payment of bereavement support payment under section 30 of the Pensions Act 2014.”.

#### **Commencement Information**

**I12** Art. 12 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### **Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988**

**13.—**(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations 1998(**52**) are amended as follows.

(2) In regulation 1(2) (interpretation)(**53**), omit the definitions of “bereavement benefit” and “bereavement payment”.

(3) In regulation 8(1) (duplication and prescribed payments)(**54**), for sub-paragraph (i) substitute—

“(i) any widowed parent’s allowance under section 39A of the Contributions and Benefits Act;”.

#### **Commencement Information**

**I13** Art. 13 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### **Amendment of the Jobseeker’s Allowance Regulations 1996**

**14.—**(1) The Jobseeker’s Allowance Regulations 1996(**55**) are amended as follows.

(2) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)(**56**), after paragraph 75 insert—

(50) S.I. 1988/35. Paragraph (ff) was inserted by S.I. 2000/3223.

(51) S.I. 1992/1815. Paragraph 7A was inserted by S.I. 2013/630. S.I. 1992/1815 was revoked for some cases by S.I. 2012/2785.

(52) S.I. 1988/664. Those Regulations were revoked by S.I. 2003/492 for the purposes of child benefit and guardian’s allowance.

(53) The definitions of “bereavement benefit” and “bereavement payment” were inserted by S.I. 2000/1483.

(54) Regulation 8(1)(i) was inserted by S.I. 2000/1483.

(55) S.I. 1996/207.

(56) Paragraph 75 of Schedule 7 was inserted by S.I. 2014/2103.

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“76. Any bereavement support payment under section 30 of the Pensions Act 2014 (bereavement support payment) except any such payment which is disregarded as capital under paragraph 12(1)(e) or 65 of Schedule 8.”

(3) In Schedule 8 (capital to be disregarded)(57)—

(a) in paragraph 12(1), after paragraph (d) insert—

“(e) bereavement support payment under section 30 of the Pensions Act 2014;”;  
and

(b) after paragraph 64, insert—

“65. Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.”

#### Commencement Information

**I14** Art. 14 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

**15.**—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999(58) are amended as follows.

(2) In regulation 1(3) (interpretation)(59)—

(a) omit the definitions of “bereavement allowance” and “bereavement payment”; and

(b) in the definition of “bereavement benefit”, for paragraphs (a) and (b) substitute—

“(a) bereavement support payment under section 30 of the Pensions Act 2014; or”.

(3) In regulation 3 (revision of decisions)(60)—

(a) in paragraph (5ZB), after sub-paragraph (a) insert—

“(aa) bereavement support payment under section 30 of the Pensions Act 2014;”;  
and

(b) in paragraph (8G)—

(i) in column 1 of the table, for “Bereavement allowance” substitute “Bereavement support payment under section 30 of the Pensions Act 2014”;

(ii) in column 2 of the table, for the corresponding entry to “Bereavement support payment under section 30 of the Pensions Act 2014” (as inserted by paragraph (i)) substitute “the contribution conditions set out in section 31 of the Pensions Act 2014 (bereavement support payment: contribution condition and amendments)”;

(iii) omit the row with “Bereavement payment” in column 1.

(57) Sub-paragraph (1) of paragraph 12 was numbered as sub-paragraph (1) by [S.I. 2002/2380](#). Paragraph 12(1)(d) was inserted by [S.I. 2001/2333](#). Paragraph 64 of Schedule 8 was inserted by [S.I. 2014/2103](#).

(58) [S.I. 1999/991](#).

(59) The definitions of “bereavement allowance”, “bereavement benefit” and “bereavement payment” were inserted by [S.I. 2016/1145](#).

(60) Regulation 3(5ZB) was inserted by [S.I. 2007/2582](#). Regulation 3(8G) was inserted by [S.I. 2016/1145](#). Regulation 3 was revoked by [S.I. 2003/916](#) for the purposes of child benefit and guardian’s allowance.

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#### Commencement Information

**I15** Art. 15 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### Amendment of the Social Security (Claims and Information) Regulations 1999

**16.** In regulation 4(4) of the Social Security (Claims and Information) Regulations 1999 (additional functions of local authorities)(**61**), after sub-paragraph (e) insert—

“(ea) bereavement support payment under section 30 of the Pensions Act 2014;”.

#### Commencement Information

**I16** Art. 16 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### Amendment of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000

**17.** In regulation 4(1)(a) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 (flat rate)(**62**), omit paragraph (i).

#### Commencement Information

**I17** Art. 17 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### Amendment of the Social Security (Contributions) Regulations 2001

**18.** In regulation 49 of the Social Security (Contributions) Regulations 2001 (precluded Class 3 contributions)(**63**)—

(a) in paragraph (2)—

(i) in sub-paragraph (a), omit “, bereavement allowance”; and

(ii) in sub-paragraph (b), omit “bereavement payment or”; and

(b) in paragraph (3), omit “, bereavement allowance”.

#### Commencement Information

**I18** Art. 18 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### Amendment of the Social Security (Inherited SERPS) Regulations 2001

**19.** In regulation 2(3)(a) of the Social Security (Inherited SERPS) Regulations 2001 (modification of Part II of the Social Security Contributions and Benefits Act 1992)(**64**)—

(a) omit “and bereavement allowance”; and

(61) [S.I. 1999/3108](#).

(62) [S.I. 2001/155](#). Those Regulations were revoked for some cases by [S.I. 2012/2785](#).

(63) [S.I. 2001/1004](#). Regulation 49(2) was amended by [S.I. 2001/3728](#). In regulation 49(3), the words “bereavement allowance” were inserted by [S.I. 2001/3728](#).

(64) [S.I. 2001/1085](#)

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(b) omit “except in so far as that section relates to the rate of a bereavement allowance”.

#### Commencement Information

**I19** Art. 19 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### Amendment of the Social Security (Loss of Benefit) Regulations 2001

**20.** In regulation 19 of the Social Security (Loss of Benefit) Regulations 2001 (social security benefits not to be sanctionable benefits)(**65**), for paragraph (e) substitute—

“(e) bereavement support payment payable under section 30 of the Pensions Act 2014.

#### Commencement Information

**I20** Art. 20 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### Amendment of the State Pension Credit Regulations 2002

**21.**—(1) The State Pension Credit Regulations 2002(**66**) are amended as follows.

(2) In regulation 15(1) (income for the purposes of the State Pension Credit Act 2002)(**67**), for sub-paragraph (n) substitute—

“(n) bereavement support payment under section 30 of the Pensions Act 2014;”.

(3) In Part 1 of Schedule V (income from capital: capital disregarded for the purpose of calculating income)(**68**)—

(a) in paragraph 20(2), after paragraph (p) insert—

“(q) bereavement support payment under section 30 of the Pensions Act 2014.”;  
and

(b) after paragraph 23D, insert—

“**23E.** A payment of bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.”.

#### Commencement Information

**I21** Art. 21 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### Amendment of the Tax Credits (Definition and Calculation of Income) Regulations 2002

**22.** In regulation 7(3) of the Tax Credits (Definition and Calculation of Income) Regulations 2002 (social security income)(**69**) in Table 3, for row 3 substitute “3 A bereavement support payment under section 30 of the Pensions Act 2014.”.

(65) [S.I. 2001/4022](#).

(66) [S.I. 2002/1792](#).

(67) Regulation 15(1)(n) was inserted by [S.I. 2002/3019](#).

(68) Paragraph 20(2)(p) of Schedule V was inserted by [S.I. 2013/630](#). Paragraph 23D was inserted by [S.I. 2016/732](#).

(69) [S.I. 2002/2006](#).

**Commencement Information**

**I22** Art. 22 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Non-Contentious Probate Fees Order 2004**

**23.** In Schedule 1A to the Non-Contentious Probate Fees Order 2004 (remissions and part remissions)(**70**)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

**Commencement Information**

**I23** Art. 23 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005**

**24.** In regulation 10(1A) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 (deductions from an award of a funeral payment)(**71**), for sub-paragraph (b) substitute—

- “(b) bereavement support payment under section 30 of the Pensions Act 2014;”.

**Commencement Information**

**I24** Art. 24 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Housing Benefit Regulations 2006**

**25.**—(1) The Housing Benefit Regulations 2006(**72**) are amended as follows.

(2) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings)(**73**), after paragraph 66 insert—

“**67.** Any bereavement support payment under section 30 of the Pensions Act 2014 (bereavement support payment) except any such payment which is disregarded as capital under paragraph 9(1)(h) or 62 of Schedule 6.”.

- (3) In Schedule 6 (capital to be disregarded)(**74**)—
  - (a) in paragraph 9(1), after paragraph (g) insert—

(70) [S.I. 2004/3120](#). Schedule 1A was inserted by [S.I. 2013/2302](#). The definition of “excluded benefit” was substituted by [S.I. 2014/590](#).

(71) [S.I. 2005/3061](#). Regulation 10(1A) was inserted by [S.I. 2013/247](#).

(72) [S.I. 2006/213](#).

(73) Paragraph 66 of Schedule 5 was inserted by [S.I. 2014/2103](#).

(74) Paragraph 9(1)(g) of Schedule 6 was inserted by [S.I. 2013/630](#) and paragraph 61 was inserted by [S.I. 2014/2103](#).

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- “(h) bereavement support payment under section 30 of the Pensions Act 2014;”;  
and
- (b) after paragraph 61, insert—
- “**62.** Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.”.

#### Commencement Information

**I25** Art. 25 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

#### Amendment of the Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006

**26.**—(1) The Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006(**75**) are amended as follows.

- (2) In regulation 29(1)(j) (meaning of income), for paragraph (xiii) substitute—  
“(xiii) bereavement support payment under section 30 of the Pensions Act 2014;”.
- (3) In Part 1 of Schedule 6 (capital to be disregarded generally)(**76**)—
- (a) in paragraph 21(2), after paragraph (o) insert—
- “(p) bereavement support payment under section 30 of the Pensions Act 2014;”;  
and
- (b) after paragraph 26G, insert—
- “**26H.** A payment of bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.”.

#### Commencement Information

**I26** Art. 26 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

#### Amendment of the Gender Recognition (Application Fees) Order 2006

**27.** In the Schedule to the Gender Recognition (Application Fees) Order 2006 (remissions and part remissions)(**77**)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—  
“(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;  
and
- (b) in paragraph 10, for sub-paragraph (n) substitute—

(75) [S.I. 2006/214](#).

(76) Paragraph 21(2)(o) of Schedule 6 was inserted by [S.I. 2013/630](#) and paragraph 26G was inserted by [S.I. 2016/732](#).

(77) [S.I. 2006/758](#). The Schedule was inserted by [S.I. 2013/2302](#). The definition of “excluded benefits” was substituted by [S.I. 2014/590](#).

- “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

**Commencement Information**

**I27** Art. 27 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Transfer of State Pensions and Benefits Regulations 2007**

**28.**—(1) The Transfer of State Pensions and Benefits Regulations 2007(**78**) are amended as follows.

(2) In regulation 1(2) (interpretation)(**79**) in the definition of “relevant benefit”, after paragraph (ba) insert—

“(bb) bereavement support payment under section 30 of the Pensions Act 2014 or section 29 of the Pensions Act (Northern Ireland) 2015(**80**);”.

(3) In regulation 8(3) (effect of making a cash equivalent transfer payment)(**81**), after “Part 1” in both places it occurs insert “or Part 5”.

**Commencement Information**

**I28** Art. 28 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Court of Protection Fees Order 2007**

**29.** In Schedule 2 to the Court of Protection Fees Order 2007 (remissions and part remissions)(**82**)—

(a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—

“(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;” and

(b) in paragraph 10, for sub-paragraph (n) substitute—

“(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

**Commencement Information**

**I29** Art. 29 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

(78) [S.I. 2007/1398](#).

(79) Paragraph (ba) of the definition of “relevant benefit” was inserted by [S.I. 2015/1985](#).

(80) [2015 c.5](#).

(81) The words “Part 1” were inserted by [S.I. 2015/1985](#).

(82) [S.I. 2007/1745](#). Schedule 2 was inserted by [S.I. 2013/2302](#). The definition of “excluded benefits” was substituted by [S.I. 2014/590](#).



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### Amendment of the Social Security (Claims and Information) Regulations 2007

**30.** In regulation 1(3) of the Social Security (Claims and Information) Regulations 2007 (interpretation)(**83**) in the definition of “specified benefit”, for paragraphs (b) and (c) substitute—

“(b) bereavement support payment under section 30 of the Pensions Act 2014;”.

#### Commencement Information

**I30** Art. 30 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### Amendment of the Employment and Support Allowance Regulations 2008

**31.**—(1) The Employment and Support Allowance Regulations 2008(**84**) are amended as follows.

(2) In regulation 165(3) (entitlement for less than a week – amount of an employment and support allowance payable) in the definition of “Y”, for “bereavement allowance” substitute “bereavement support payment under section 30 of the Pensions Act 2014”.

(3) In regulation 167(d) (modification in the calculation of income), for “bereavement allowance” substitute “bereavement support payment under section 30 of the Pensions Act 2014”.

(4) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)(**85**), after paragraph 67 insert—

“**68.** Any bereavement support payment under section 30 of the Pensions Act 2014 except any such payment which is disregarded as capital under paragraph 11(1)(d) or 60 of Schedule 9.

(5) In Schedule 9 (capital to be disregarded)(**86**)—

(a) in paragraph 11(1), after paragraph (c) insert—

“(d) bereavement support payment under section 30 of the Pensions Act 2014;”;  
and

(b) after paragraph 59, insert—

“**60.** Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.”.

#### Commencement Information

**I31** Art. 31 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### Amendment of the Magistrates’ Courts Fees Order 2008

**32.** In Schedule 2 to the Magistrates’ Courts Fees Order 2008 (remissions and part remissions)(**87**)—

(a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—

(83) [S.I. 2007/2911](#).

(84) [S.I. 2008/794](#).

(85) Paragraph 67 of Schedule 8 was inserted by [S.I. 2014/2103](#).

(86) Paragraph 59 of Schedule 9 was inserted by [S.I. 2014/2103](#).

(87) [S.I. 2008/1052](#). Schedule 2 was inserted by [S.I. 2013/2302](#). The definition of “excluded benefits” was substituted by [S.I. 2014/590](#).

- “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;
- and
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

**Commencement Information**

**I32** Art. 32 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Civil Proceedings Fees Order 2008**

**33.** In Schedule 2 to the Civil Proceedings Fees Order 2008 (remissions and part remissions)(**88**)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;
  - and
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

**Commencement Information**

**I33** Art. 33 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Family Proceedings Fees Order 2008**

**34.** In Schedule 2 to the Family Proceedings Fees Order 2008 (remissions and part remissions)(**89**)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;
  - and
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

**Commencement Information**

**I34** Art. 34 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

(88) S.I. 2008/1053. Schedule 2 was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.

(89) S.I. 2008/1054. Schedule 2 was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.

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### **Amendment of the Upper Tribunal (Lands Chamber) Fees Order 2009**

**35.** In Schedule 2 to the Upper Tribunal (Lands Chamber) Fees Order 2009 (remissions and part remissions)(90)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

#### **Commencement Information**

**I35** Art. 35 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### **Amendment of the Supreme Court Fees Order 2009**

**36.** In Schedule 2 to the Supreme Court Fees Order 2009 (remissions and part remissions)(91)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

#### **Commencement Information**

**I36** Art. 36 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### **Amendment of the First-tier Tribunal (Gambling) Fees Order 2010**

**37.** In the Schedule to the First-tier Tribunal (Gambling) Fees Order 2010 (remissions and part remissions)(92)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

(90) S.I. 2009/1114. Schedule 2 was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.

(91) S.I. 2009/2131. Schedule 2 was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.

(92) S.I. 2010/42. Schedule 2 was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.

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**Commencement Information**

**I37** Art. 37 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Rate of Bereavement Benefits Regulations 2010**

**38.** In regulation 3 of the Rate of Bereavement Benefits Regulations 2010 (rate of widowed parent's allowance and bereavement allowance)(**93**) and in the heading to regulation 3, omit "and bereavement allowance".

**Commencement Information**

**I38** Art. 38 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011**

**39.** In Schedule 2 to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011 (remissions and part remissions)(**94**)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of "excluded benefits" substitute—
  - "(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;"; and
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - "(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);".

**Commencement Information**

**I39** Art. 39 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Child Support Maintenance Calculation Regulations 2012**

**40.** In regulation 44(1)(a) of the Child Support Maintenance Calculation Regulations 2012 (flat rate)(**95**), omit paragraph (i).

**Commencement Information**

**I40** Art. 40 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

(93) [S.I. 2010/2818](#).

(94) [S.I. 2011/2344](#). Schedule 2 was inserted by [S.I. 2013/2302](#). The definition of "excluded benefits" was substituted by [S.I. 2014/590](#).

(95) [S.I. 2012/2677](#).

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### **Amendment of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012**

**41.** In paragraph 16(1)(j) of Schedule 1 to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (meaning of ‘income’: pensioners)<sup>(96)</sup>, for sub-paragraph (xiii) substitute—

“(xiii) bereavement support payment under section 30 of the Pensions Act 2014;”.

#### **Commencement Information**

**I41** Art. 41 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### **Amendment of the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012**

**42.** In paragraph 39(1)(j) of the Schedule to the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (council tax reduction scheme (default scheme) 2013)<sup>(97)</sup>, for sub-paragraph (xiii) substitute—

“(xiii) bereavement support payment under section 30 of the Pensions Act 2014;”.

#### **Commencement Information**

**I42** Art. 42 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### **Amendment of the Universal Credit Regulations 2013**

**43.**—(1) The Universal Credit Regulations 2013<sup>(98)</sup> are amended as follows.

- (2) In regulation 2 (interpretation), omit the definition of “bereavement allowance”.
- (3) In regulation 66(1)(b) (what is included in unearned income), omit paragraph (iv).
- (4) In Schedule 10 (capital to be disregarded), after paragraph 19 insert—

“**20.** A payment made within the past 12 months of bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment).”.

#### **Commencement Information**

**I43** Art. 43 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

### **Amendment of the Employment and Support Allowance Regulations 2013**

**44.** In regulation 100(b) of the Employment and Support Allowance Regulations 2013 (modification in the calculation of income)<sup>(99)</sup>, for “bereavement allowance” substitute “bereavement support payment under section 30 of the Pensions Act 2014”.

<sup>(96)</sup> S.I. 2012/2885.

<sup>(97)</sup> S.I. 2012/2886.

<sup>(98)</sup> S.I. 2013/376.

<sup>(99)</sup> S.I. 2013/379.

**Commencement Information**

**I44** Art. 44 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Legal Aid (Information about Financial Resources) Regulations 2013**

**45.** In the Schedule to the Legal Aid (Information about Financial Resources) Regulations 2013 (prescribed benefits)(**100**)—

- (a) in paragraph 6, for “sections 36, 39A and 39B” in both places it occurs substitute “section 39A”; and
- (b) after paragraph 6, insert—

“**6A.** Benefits for surviving spouses and civil partners under section 30 of the Pensions Act 2014 or section 29 of the Pensions Act (Northern Ireland) 2015.”.

**Commencement Information**

**I45** Art. 45 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the First-tier Tribunal (Property Chamber) Fees Order 2013**

**46.** In Schedule 2 to the First-tier Tribunal (Property Chamber) Fees Order 2013 (remissions and part remissions)(**101**)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;and
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

**Commencement Information**

**I46** Art. 46 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013**

**47.** In Schedule 3 to the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013 (remissions and part remissions)(**102**)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;and

(100) S.I. 2013/628.

(101) S.I. 2013/1179. Schedule 2 was substituted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.

(102) S.I. 2013/1893. Schedule 3 was substituted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.

**Status:** Point in time view as at 06/04/2017.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017. 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)

(b) in paragraph 10, for sub-paragraph (n) substitute—

“(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

**Commencement Information**

**I47** Art. 47 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

**Amendment of the Courts and Tribunals Fee Remissions Order 2013**

**48.** In the Schedule to the Courts and Tribunals Fee Remissions Order 2013 (remissions and part remissions)(**103**)—

(a) in paragraph 1(1), for paragraph (k) of the definition of “excluded benefits” substitute—

“(k) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”; and

(b) in paragraph 10, for sub-paragraph (n) substitute—

“(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

**Commencement Information**

**I48** Art. 48 in force at 6.4.2017 in accordance with art. 1(2), 2, 3

Signed by authority of the Secretary of State for Work and Pensions.

16th March 2017 at 9.00 a.m.

*Caroline Nokes*  
Parliamentary Under-Secretary of State  
Department for Work and Pensions



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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes consequential, supplementary and incidental amendments in relation to the provisions of Part 5 of the Pensions Act 2014 (c.19), which creates a new bereavement support payment for people whose spouse or civil partner died on or after the date section 30 of that Act comes into force for all purposes. Bereavement support payment replaces the existing social security benefits for the bereaved (bereavement allowance, widowed parent's allowance and bereavement payment).

Articles 2 and 3 enable bereavement allowance and bereavement payment to remain in payment. Those benefits will only remain in payment for people whose spouse or civil partner died before the date section 30 comes into force for all purposes. When the award of those benefits comes to an end, the amendments made by this Order will come into force for that person.

The amendments in this Order are all to secondary legislation. The majority of these amendments add a reference to bereavement support payment and/or remove a reference to bereavement allowance and bereavement payment. The amendments therefore mainly (1) enable existing secondary legislation to work in the same or similar way for bereavement support payment as it does for existing benefits for the bereaved or (2) remove references to existing benefits for the bereaved where the secondary legislation does not need to apply to bereavement support payment.

In particular, the following amendments are made.

Articles 9, 14, 21, 25, 26, 31, 43 and 44 make amendments which provide for how bereavement support payment is to be taken into account in income-related social security benefits. These are benefits which determine a claimant's entitlement by reference to their income and capital. The amendments provide that bereavement support payment will be ignored when calculating a claimant's income. The amendments also provide that any initial lump sum amount of bereavement support payment and any payment of arrears for 12 months will be ignored when calculating a claimant's capital.

Articles 12, 17 and 40 make similar amendments to child support regulations so that bereavement support payment is not taken into account as income under those regulations.

Article 10 amends the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968). Those Regulations contain the rules on when a claim to a benefit has to be made, how claims are made, how payments of benefit are made, the dates on which payments are made etc. The amendments apply those rules to bereavement support payment. For example, the amendment made by article 10(7)(d) provides that a claimant must claim the initial lump sum amount of bereavement support payment within 12 months of the death of their spouse or civil partner.

Article 15 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991). Those Regulations contain the rules on how decisions relating to benefits should be made, when decisions can be changed, how appeals can be made against the decisions etc. The amendments apply those rules to bereavement support payment.

A full impact assessment has not been published for this Order as it has 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/](https://www.gov.uk/government/uploads/system/uploads/attachment_data/)

**Status:** Point in time view as at 06/04/2017.

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017. 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)

[file/311316/pensions-act-ia-annex-a-single-tier-state-pension.pdf](https://www.legislation.gov.uk/file/311316/pensions-act-ia-annex-a-single-tier-state-pension.pdf). (Annex A contains the assessment for bereavement support payment.)

**Status:**

Point in time view as at 06/04/2017.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations.