
STATUTORY INSTRUMENTS

2017 No. 422

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

**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⁽¹⁾ are amended as follows.

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in the definition of “bereavement allowance”, insert at the end “(as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014)”.

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

(4) After regulation 7A (Category B retirement pension for surviving spouses and surviving civil partners)⁽⁴⁾, 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)⁽⁵⁾, 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.”.

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

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

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

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

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