
STATUTORY INSTRUMENTS

2023 No. 134

The Bereavement Benefits (Remedial) Order 2023

Amendment of the Bereavement Support Payment Regulations 2017

6.—(1) The Bereavement Support Payment Regulations 2017(1) are amended in accordance with the following provisions.

(2) In regulation 2 (period for which bereavement support payment is payable)—

(a) in paragraph (1), for “is as follows” substitute—

“is determined—

(a) in the case mentioned in paragraph (4), in accordance with paragraphs (5) and (6);

(b) in the case mentioned in paragraph (7), in accordance with paragraphs (8) and (9); and

(c) in any other case, in accordance with paragraphs (2) and (3)”;

(b) in paragraphs (2) and (3), for “spouse or civil partner” substitute “spouse, civil partner or cohabiting partner” in each place it appears; and

(c) after paragraph (3), insert—

“(4) Paragraphs (5) and (6) apply where the person is entitled to bereavement support payment—

(a) as a result of the amendments made by the 2023 Remedial Order, and

(b) as a result of the death of their cohabiting partner occurring on or after 30th August 2018 and before the RO commencement day.

(5) The period starts—

(a) with the RO commencement day, where the person claims the payment 12 months or less after that date; or

(b) at the beginning of the period of three months preceding the date the person claims the payment, where the person claims the payment—

(i) more than 12 months after the RO commencement day; and

(ii) no more than three months after the date the period finishes under paragraph (6).

(6) The period finishes at the end of the period of 18 months beginning with the RO commencement day.

(7) Paragraphs (8) and (9) apply where the person is entitled to bereavement support payment—

(a) as a result of the amendments made by the 2023 Remedial Order, and

(b) as a result of the death of their cohabiting partner occurring on or after 6th April 2017 and before 30th August 2018.

- (8) The period starts with the RO commencement day.
 - (9) The period finishes—
 - (a) at the end of the period of W months beginning with the RO commencement day, where the person claims the payment 12 months or less after the RO commencement day; and
 - (b) at the end of—
 - (i) the period described in sub-paragraph (a); or
 - (ii) if shorter, the period of X months beginning with the RO commencement day,
where the person claims the payment more than 12 months after but no more than 21 months after the RO commencement day.
 - (10) For the purposes of paragraph (9)—
 - “W months” means the number of months which is 18 less Y;
 - “X months” means the number of months which is 21 less Z.
 - (11) For the purposes of paragraph (10)—
 - “Y” is the number of monthly recurrences of the day of the month on which the person’s cohabiting partner died which occur during the period beginning with the day after the date of the cohabiting partner’s death and ending with 29th August 2018;
 - “Z” is the number of monthly recurrences of the day of the month on which the RO commencement day occurs during the period beginning with the day after the RO commencement day and ending with the date on which the person claims the payment.
 - (12) In paragraph (11)—
 - (a) for the purposes of the definition of “Y”—
 - (i) paragraph (7) of regulation 3 applies as if the words “for the purposes of paragraphs (1) and (4)” were omitted, and
 - (ii) paragraph (8) of regulation 3 applies as if the words “for those purposes” were omitted;
 - (b) for the purposes of the definition of “Z”—
 - (i) where the 2023 Remedial Order comes into force on the 31st day of a month, the monthly recurrence of the RO commencement day is to be treated as falling on the last day of the month;
 - (ii) where the 2023 Remedial Order comes into force on the 29th or 30th day of a month, the monthly recurrence of the RO commencement day in February is to be treated as falling on the last day of February.
 - (13) In paragraphs (4) to (12)—
 - “the 2023 Remedial Order” means the Bereavement Benefits (Remedial) Order 2023; and
 - “the RO commencement day” means the day on which the 2023 Remedial Order comes into force.”.
- (3) In regulation 3 (rate of bereavement support payment)—
- (a) in paragraphs (1) and (8), for “spouse or civil partner” substitute “spouse, civil partner or cohabiting partner”;

- (b) for paragraph (2), substitute—
 - “(2) Where the person claims bereavement support payment 12 months or less after—
 - (a) the date their spouse or civil partner died;
 - (b) in the case of a claim in respect of their cohabiting partner who died on or after 30th August 2018 and before the RO commencement day, the RO commencement day;
 - (c) in the case of a claim in respect of their cohabiting partner who died on or after the RO commencement day, the date their cohabiting partner died,the higher rate of bereavement support payment is £3,500 for the first month of the period for which bereavement support payment is payable.”;
 - (c) in paragraph (7), insert at the end “(the same applies where a cohabiting partner dies for the purposes of paragraph (1))”; and
 - (d) after paragraph (8), insert—
 - “(9) In this regulation, “the RO commencement day” has the meaning given in regulation 2(13).”.
- (4) In regulation 4 (persons entitled to the higher rate of bereavement support payment), for “spouse or civil partner” in each place it appears substitute “spouse, civil partner or cohabiting partner”.