

## SCHEDULE

Article 10

### Capital disregards for lump sum payments of bereavement benefits

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

1. In Schedule 10 to the Income Support (General) Regulations 1987 (capital to be disregarded)(1)—

(a) after paragraph 7 insert—

“7A. Any payment of a widowed parent’s allowance made pursuant to section 39A of the Contributions and Benefits Act (widowed parent’s allowance)—

(a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Contributions and Benefits Act) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and

(b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,

but only for a period of 52 weeks from the date of receipt of the payment.”;

(b) in paragraph 72—

(i) the existing text becomes sub-paragraph (1);

(ii) after that sub-paragraph insert—

“(2) Where bereavement support payment under section 30 of the Pensions Act 2014 is paid to the survivor of a cohabiting partnership (within the meaning in section 30(6B) of the Pensions Act 2014) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

(a) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment Regulations 2017, and

(b) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died,

but only for a period of 52 weeks from the date of receipt of the payment.”.

#### **Amendment of the Income Support (General) Regulations (Northern Ireland) 1987**

2. In Schedule 10 to the Income Support (General) Regulations (Northern Ireland) 1987 (capital to be disregarded)(2)—

(a) after paragraph 7 insert—

“7A. Any payment of a widowed parent’s allowance made pursuant to section 39A of the Contributions and Benefits Act 1992 (widowed parent’s allowance)—

(a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Contributions and Benefits Act 1992) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and

(b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,

(1) S.I. 1987/1967, to which there are amendments not relevant to this Order.

(2) S.R. 1987 No. 459, amended by S.R. 2017 No. 66; there are other amending instruments but none is relevant to this Order.

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but only for a period of 52 weeks from the date of receipt of the payment.”;

(b) in paragraph 65—

(i) the existing text becomes sub-paragraph (1);

(ii) after that sub-paragraph insert—

“(2) Where bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015 is paid to the survivor of a cohabiting partnership (within the meaning in section 29(6B) of the Pensions Act (Northern Ireland) 2015) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

(a) (i) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019 (rate of bereavement support payment), and

(ii) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died;

(b) in respect of the rate set out in regulation 3(2) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019,

but only for a period of 52 weeks from the date of receipt of the payment.”.

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

**3.** In Schedule 8 to the Jobseeker’s Allowance Regulations 1996 (capital to be disregarded)(3)—

(a) after paragraph 12 insert—

“**12A.** Any payment of a widowed parent’s allowance made pursuant to section 39A of the Benefits Act (widowed parent’s allowance)—

(a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Benefits Act) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and

(b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,

but only for a period of 52 weeks from the date of receipt of the payment.”;

(b) in paragraph 65—

(i) the existing text becomes sub-paragraph (1);

(ii) after that sub-paragraph insert—

“(2) Where bereavement support payment under section 30 of the Pensions Act 2014 is paid to the survivor of a cohabiting partnership (within the meaning in section 30(6B) of the Pensions Act 2014) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

(a) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment Regulations 2017, and

(b) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died,

but only for a period of 52 weeks from the date of receipt of the payment.”.

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(3) [S.I. 1996/207](#), to which there are amendments not relevant to this Order.

### **Amendment of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996**

**4.** In Schedule 7 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (capital to be disregarded)(4)—

(a) after paragraph 12 insert—

“**12A.** Any payment of a widowed parent’s allowance made pursuant to section 39A of the Benefits Act (widowed parent’s allowance)—

- (a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Benefits Act) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and
- (b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,

but only for a period of 52 weeks from the date of receipt of the payment.”;

(b) in paragraph 57B—

- (i) the existing text becomes sub-paragraph (1);
- (ii) after that sub-paragraph insert—

“(2) Where bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015 is paid to the survivor of a cohabiting partnership (within the meaning in section 29(6B) of the Pensions Act (Northern Ireland) 2015) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

- (a) (i) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019 (rate of bereavement support payment), and
- (ii) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died;
- (b) in respect of the rate set out in regulation 3(2) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019,

but only for a period of 52 weeks from the date of receipt of the payment.”.

### **Amendment of the State Pension Credit Regulations 2002**

**5.** In Part 1 of Schedule 5 to the State Pension Credit Regulations 2002 (capital disregarded for the purpose of calculating income)(5)—

(a) after paragraph 20A insert—

“**20AA.** Any payment of a widowed parent’s allowance made pursuant to section 39A of the 1992 Act (widowed parent’s allowance)—

- (a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the 1992 Act) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and
- (b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,

but only for a period of 52 weeks from the date of receipt of the payment.”;

(b) in paragraph 23E—

(4) S.R. 1996 No. 198, to which there are amendments not relevant to this Order.

(5) S.I. 2002/1792; relevant amending instruments are S.I. 2017/422 and S.I. 2020/618.

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- (i) the existing text becomes sub-paragraph (1);
- (ii) after that sub-paragraph insert—

“(2) Where bereavement support payment under section 30 of the Pensions Act 2014 is paid to the survivor of a cohabiting partnership (within the meaning in section 30(6B) of the Pensions Act 2014) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

- (a) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment Regulations 2017, and
- (b) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died,

but only for a period of 52 weeks from the date of receipt of the payment.”.

### **Amendment of the State Pension Credit Regulations (Northern Ireland) 2003**

**6.** In Part 1 of Schedule 5 to the State Pension Credit Regulations (Northern Ireland) 2003 (capital disregarded for the purpose of calculating income)(6)—

- (a) after paragraph 20A insert—

“**20AA.** Any payment of a widowed parent’s allowance made pursuant to section 39A of the Contributions and Benefits Act (widowed parent’s allowance)—

- (a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Contributions and Benefits Act) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and
- (b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,

but only for a period of 52 weeks from the date of receipt of the payment.”;

- (b) in section 23D—

- (i) the existing text becomes sub-paragraph (1);
- (ii) after that sub-paragraph insert—

“(2) Where bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015 is paid to the survivor of a cohabiting partnership (within the meaning in section 29(6B) of the Pensions Act (Northern Ireland) 2015) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

- (a) (i) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019 (rate of bereavement support payment), and
- (ii) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died;
- (b) in respect of the rate set out in regulation 3(2) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019,

but only for a period of 52 weeks from the date of receipt of the payment.”.

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(6) [S.R. 2003 No. 28](#), to which there are amendments not relevant to this Order.

## **Amendment of the Housing Benefit Regulations 2006**

7. In Schedule 6 to the Housing Benefit Regulations 2006 (capital to be disregarded)(7)—

(a) after paragraph 9A insert—

“**9B.** Any payment of a widowed parent’s allowance made pursuant to section 39A of the Act (widowed parent’s allowance)—

(a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Act) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and

(b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,

but only for a period of 52 weeks from the date of receipt of the payment.”;

(b) in paragraph 62—

(i) the existing text becomes sub-paragraph (1);

(ii) after that sub-paragraph insert—

“(2) Where bereavement support payment under section 30 of the Pensions Act 2014 is paid to the survivor of a cohabiting partnership (within the meaning in section 30(6B) of the Pensions Act 2014) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

(a) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment Regulations 2017, and

(b) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died,

but only for a period of 52 weeks from the date of receipt of the payment.”.

## **Amendment of the Housing Benefit Regulations (Northern Ireland) 2006**

8. In Schedule 7 to the Housing Benefit Regulations (Northern Ireland) 2006 (capital to be disregarded)(8)—

(a) after paragraph 9A insert—

“**9B.** Any payment of a widowed parent’s allowance made pursuant to section 39A of the Act (widowed parent’s allowance)—

(a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Act) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and

(b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,

but only for a period of 52 weeks from the date of receipt of the payment.”;

(b) in paragraph 59—

(i) the existing text becomes sub-paragraph (1);

(ii) after that sub-paragraph insert—

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(7) S.I. 2006/213; relevant amending instruments are S.I. 2017/422 and S.I. 2020/618.

(8) S.R. 2006 No. 405, to which there are amendments not relevant to this Order.

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“(2) Where bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015 is paid to the survivor of a cohabiting partnership (within the meaning in section 29(6B) of the Pensions Act (Northern Ireland) 2015) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

- (a) (i) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019 (rate of bereavement support payment), and
- (ii) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died;
- (b) in respect of the rate set out in regulation 3(2) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019,

but only for a period of 52 weeks from the date of receipt of the payment.”.

#### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

9. In Part 1 of Schedule 6 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (capital to be disregarded generally)(9)—

- (a) after paragraph 22 insert—

“22A. Any payment of a widowed parent’s allowance made pursuant to section 39A of the Act (widowed parent’s allowance)—

- (a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Act) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and
- (b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,

but only for a period of 52 weeks from the date of receipt of the payment.”;

- (b) in paragraph 26H—

- (i) the existing text becomes sub-paragraph (1);
- (ii) after that sub-paragraph insert—

“(2) Where bereavement support payment under section 30 of the Pensions Act 2014 is paid to the survivor of a cohabiting partnership (within the meaning in section 30(6B) of the Pensions Act 2014) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

- (a) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment Regulations 2017, and
- (b) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died,

but only for a period of 52 weeks from the date of receipt of the payment.”.

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(9) S.I. 2006/214, which is amended by S.I. 2017/422.

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006**

**10.** In Part 1 of Schedule 7 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (capital to be disregarded generally)(**10**)—

(a) after paragraph 22 insert—

“**22A.** Any payment of a widowed parent’s allowance made pursuant to section 39A of the Act (widowed parent’s allowance)—

- (a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Act) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and
- (b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,

but only for a period of 52 weeks from the date of receipt of the payment.”;

(b) in paragraph 28D—

- (i) the existing text becomes sub-paragraph (1);
- (ii) after that sub-paragraph insert—

“(2) Where bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015 is paid to the survivor of a cohabiting partnership (within the meaning in section 29(6B) of the Pensions Act (Northern Ireland) 2015) in respect of a death which occurs before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

- (a) (i) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019 (rate of bereavement support payment), and
- (ii) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died;
- (b) in respect of the rate set out in regulation 3(2) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019,

but only for a period of 52 weeks from the date of receipt of the payment.”.

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

**11.** In Schedule 9 to the Employment and Support Allowance Regulations 2008 (capital to be disregarded)(**11**)—

(a) after paragraph 11 insert—

“**11A.** Any payment of a widowed parent’s allowance made pursuant to section 39A of the Contributions and Benefits Act (widowed parent’s allowance)—

- (a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Contributions and Benefits Act) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and
- (b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,

(10) S.R. 2006 No. 406, to which there are amendments not relevant to this Order.

(11) S.I. 2008/794, which is amended by S.I. 2017/422.

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but only for a period of 52 weeks from the date of receipt of the payment.”;

(b) in paragraph 60—

(i) the existing text becomes sub-paragraph (1);

(ii) after that sub-paragraph insert—

“(2) Where bereavement support payment under section 30 of the Pensions Act 2014 is paid to the survivor of a cohabiting partnership (within the meaning in section 30(6B) of the Pensions Act 2014) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

(a) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment Regulations 2017, and

(b) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died,

but only for a period of 52 weeks from the date of receipt of the payment.”.

## **Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008**

**12.** In Schedule 9 to the Employment and Support Allowance Regulations (Northern Ireland) 2008 (capital to be disregarded)(**12**)—

(a) after paragraph 11 insert—

“**11A.** Any payment of a widowed parent’s allowance made pursuant to section 39A of the Contributions and Benefits Act (widowed parent’s allowance)—

(a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Contributions and Benefits Act) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and

(b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,

but only for a period of 52 weeks from the date of receipt of the payment.”;

(b) in paragraph 56—

(i) the existing text becomes sub-paragraph (1);

(ii) after that sub-paragraph insert—

“(2) Where bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015 is paid to the survivor of a cohabiting partnership (within the meaning in section 29(6B) of the Pensions Act (Northern Ireland) 2015) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

(a) (i) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019 (rate of bereavement support payment), and

(ii) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died;

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(12) S.R. 2008 No. 280, to which there are amendments not relevant to this Order.

- (b) in respect of the rate set out in regulation 3(2) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019, but only for a period of 52 weeks from the date of receipt of the payment.”.

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

#### **13. In Schedule 10 to the Universal Credit Regulations 2013 (capital to be disregarded)(13)—**

- (a) after paragraph 18 insert—

“**18ZA.** A payment made within the past 12 months of widowed parent’s allowance—

- (a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Contributions and Benefits Act) who is entitled to widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and

- (b) in respect of any period of time during the period ending with the day before the survivor makes the claim for widowed parent’s allowance.”;

- (b) in paragraph 20—

- (i) the existing text becomes sub-paragraph (1);

- (ii) after that sub-paragraph insert—

“(2) Where bereavement support payment under section 30 of the Pensions Act 2014 (bereavement support payment) has been paid within the past 12 months to the survivor of a cohabiting partnership (within the meaning in section 30(6B) of the Pensions Act 2014) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

- (a) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment Regulations 2017, and

- (b) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died.”.

### **Amendment of the Universal Credit Regulations (Northern Ireland) 2016**

#### **14. In Schedule 10 to the Universal Credit Regulations (Northern Ireland) 2016 (capital to be disregarded)(14)—**

- (a) after paragraph 18 insert—

“**18ZA.** A payment made within the past 12 months of widowed parent’s allowance—

- (a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Contributions and Benefits Act) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and

- (b) in respect of any period of time during the period ending with the day before the day the survivor makes the claim for widowed parent’s allowance.”;

- (b) in paragraph 20—

- (i) the existing text becomes sub-paragraph (1);

- (ii) after that sub-paragraph insert—

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(13) S.I. 2013/376; relevant amending instruments are S.I. 2017/422 and S.I. 2019/1314.

(14) S.R. 2016 No. 216, amended by S.R. 2017 No. 66; there are other amending instruments but none is relevant to this Order.

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“(2) Where bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015 (bereavement support payment) has been paid within the past 12 months to the survivor of a cohabiting partnership (within the meaning in section 29(6B) of the Pensions Act (Northern Ireland) 2015) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

- (a) (i) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019 (rate of bereavement support payment), and
  - (ii) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died;
- (b) in respect of the rate set out in regulation 3(2) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019.”.