

SCHEDULES

SCHEDULE 16

Section 30.

BEREAVEMENT SUPPORT PAYMENT: AMENDMENTS

The Forfeiture (Northern Ireland) Order 1982 (NI 14)

1. In Article 6 of the Forfeiture (Northern Ireland) Order 1982 (Commissioner to decide whether forfeiture rule applies to social security benefits), in the definition of “relevant enactment” in paragraph (5), after the entry relating to Part 1 of this Act (inserted by Schedule 12) insert—

“section 29 of that Act.”.

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

2. The Contributions and Benefits Act is amended as follows.

3.—(1) Section 20 (descriptions of contributory benefits) is amended as follows.

(2) In subsection (1), for paragraph (ea) substitute—

“(ea) widowed parent’s allowance;”.

(3) In subsection (2), in the definition of “long-term benefit” omit paragraph (bb).

4.—(1) Section 21 (contribution conditions) is amended as follows.

(2) In the table in subsection (2) omit the entries for bereavement payment and bereavement allowance.

(3) Omit subsection (4).

5. In section 22 (earnings factors), in subsection (2), after paragraph (c) (inserted by Schedule 12) insert “and

(d) establishing entitlement to bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015.”.

6.—(1) Section 23A (contributions credits for relevant parents and carers) is amended as follows.

(2) In subsection (1) omit paragraph (e).

(3) In subsection (6)(b) omit “or (e)”.

7. For the italic heading above section 36 substitute “Bereavement benefits: deaths before the day on which section 29 of the Pensions Act (Northern Ireland) 2015 comes into operation”.
8. Section 36 (bereavement payment) is repealed.
9. Section 36A (cases in which sections 37 to 41 apply) is repealed.
- 10.—(1) Section 37 (widowed mother’s allowance) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) This section applies only in cases where a woman’s husband has died before 9 April 2001.”
- (3) At the end of the heading insert “: deaths before 9 April 2001”.
- 11.—(1) Section 38 (widow’s pension) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) This section applies only in cases where a woman’s husband has died before 9 April 2001.”
- (3) At the end of the heading insert “: deaths before 9 April 2001”.
12. In section 39A (widowed parent’s allowance), for subsection (1) substitute—
- “(1) This section applies where—
- (a) a person’s spouse or civil partner has died before the day on which section 29 of the Pensions Act (Northern Ireland) 2015 comes into operation (but see subsection (1A)),
- (b) the person has not married or formed a civil partnership after the death but before that day, and
- (c) the person is under pensionable age on that day.
- (1A) This section does not apply in cases where a woman’s husband has died before 9 April 2001.”
13. Section 39B (bereavement allowance where no dependent children) is repealed.
- 14.—(1) Section 39C (rate of widowed parent’s allowance and bereavement allowance) is amended as follows.
- (2) Omit subsection (2).
- (3) Omit subsection (5).
- (4) In the heading omit “and bereavement allowance”.
15. In section 48B (Category B retirement pension for widows and widowers), in subsection (8), for “the appointed day (as defined by section 36A(3))” substitute “9 April 2001”.

16. In section 48BB (Category B retirement pension: entitlement by reference to benefits under section 39A or 39B), in subsection (3)(a)(i), after “bereavement allowance” insert “under section 39B (before that section was repealed)”.

17.—(1) Section 60 (complete or partial failure to satisfy contribution condition) is amended as follows.

(2) In subsection (1) omit paragraph (ab).

(3) In subsection (3) omit paragraphs (a) and (bb).

18.—(1) Schedule 3 (contribution conditions for entitlement to benefit) is amended as follows.

(2) Omit paragraph 4 and the italic heading above it.

(3) Omit paragraphs 7 and 9.

19. In Schedule 4 (rates of benefits etc.) omit Part 2.

The Social Security Administration (Northern Ireland) Act 1992 (c. 8)

20. The Administration Act is amended as follows.

21.—(1) Section 1 (entitlement to benefit dependent on claim) is amended as follows.

(2) For subsection (2) substitute—

“(2) Where under subsection (1) a person is required to make a claim or to be treated as making a claim for a benefit in order to be entitled to it, the person is not entitled to it in respect of any period more than 12 months before the date on which the claim is made or treated as made.

(2A) But subsection (2) does not apply—

(a) to disablement benefit or reduced earnings allowance, or

(b) in a case where a claim for the benefit is made or treated as made by virtue of section 3(2).”.

(3) In subsection (4), after paragraph (zb) (inserted by Schedule 12) insert—

“(zc) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;”.

22. In section 2A (claim or full entitlement to certain benefits conditional on work-focused interview), in subsection (2)(c), omit “(other than a bereavement payment)”.

23.—(1) Section 3 (late claims for bereavement benefit where death is difficult to establish) is amended as follows.

(2) Subsection (3) is repealed.

(3) After subsection (4) add—

“(5) In subsection (2) “bereavement benefit” means—

- (a) bereavement support payment, or
- (b) widowed parent’s allowance.”.

24. In section 5 (regulations about claims for and payments of benefits), in subsection (2), after paragraph (zb) (inserted by Schedule 12) insert—

“(zc) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;”.

25. In section 69 (overpayments - general), in subsection (11), before paragraph (b) insert—

“(ae) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;”.

26. In section 115CA (interpretation of Part 6), in subsection (1), after paragraph (hl) (inserted by Schedule 12) insert—

“(hm) Part 5 of the Pensions Act (Northern Ireland) 2015;”.

27. In section 116B (supply of other government information for fraud prevention and verification), in subsection (3)(b), after “, Part 1 of the Pensions Act (Northern Ireland) 2015” (inserted by Schedule 12) insert “, section 29 of that Act”.

28. In section 118 (regulations as to notification of deaths), in subsection (1), after “, Part 1 of the Pensions Act (Northern Ireland) 2015” (inserted by Schedule 12) insert “, section 29 of that Act”.

29.—(1) Section 143 (general financial arrangements) is amended as follows.

(2) In subsection (1), after paragraph (za) (inserted by Schedule 12) insert—

“(zb) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;”.

(3) In subsection (2)(a), after “, Part 1 of the Pensions Act (Northern Ireland) 2015” (inserted by Schedule 12) insert “, section 29 of that Act”.

(4) In subsection (3)(b), after “or Part 1 of the Pensions Act (Northern Ireland) 2015” (inserted by Schedule 12) insert “or section 29 of that Act”.

30. In section 149 (Social Security Advisory Committee), in subsection (5) in the definition of “the relevant enactments”, after paragraph (am) (inserted by Schedule 12) insert—

“(an) section 29 of the Pensions Act (Northern Ireland) 2015;”.

31.—(1) Section 155 (reciprocal agreements) is amended as follows.

(2) In subsection (3)(a), after “Pensions Act (Northern Ireland) 2015” (inserted by Schedule 12) insert “, Part 5 of that Act”.

- (3) In subsection (4), after paragraph (ag) (inserted by Schedule 12) insert—
 “(ah) to Part 5 of the Pensions Act (Northern Ireland) 2015;”.
- (4) In subsection (5)—
- (a) after “Pensions Act (Northern Ireland) 2015” (inserted by Schedule 12) insert “or section 29 of that Act”;
- (b) after paragraph (ad) (inserted by Schedule 12) insert—
 “(ae) bereavement support payment;”.
- 32.** In section 163 (inalienability), in subsection (1), before paragraph (b) insert—
 “(ae) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;”.
- 33.** In section 167(1) (interpretation), in the definition of “benefit”, at the end add “and bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015”.

The Social Security (Northern Ireland) Order 1993 (NI 2)

- 34.** In Article 4 of the Social Security (Northern Ireland) Order 1993 (payments into National Insurance Fund out of appropriated money) in paragraph (1) in the definition of “estimated benefits expenditure”, after “(za),” (inserted by Schedule 12) insert “(zb),”.

The Social Security (Northern Ireland) Order 1998 (NI 10)

- 35.** The Social Security (Northern Ireland) Order 1998 is amended as follows.
- 36.** In Article 4 (use of computers), in paragraph (2), after sub-paragraph (m) (inserted by Schedule 12) insert “or
 (n) section 29 of the Pensions Act (Northern Ireland) 2015;”.
- 37.—**(1) Article 9 (decisions by Department) is amended as follows.
- (2) In paragraph (3), after sub-paragraph (ab) (inserted by Schedule 12) insert—
 “(ac) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;”.
- (3) In paragraph (4), after “Part 1 of the Pensions Act (Northern Ireland) 2015” (inserted by Schedule 12) insert “or section 29 of that Act”.
- 38.** In Article 12 (regulations with respect to decisions), in paragraph (3), in the definition of “the current legislation”, after “Part 1 of the Pensions Act (Northern Ireland) 2015” (inserted by Schedule 12) insert “and section 29 of that Act”.
- 39.** In Article 27 (restrictions on entitlement in cases of error), in paragraph (7), in the definition of “benefit”—

(a) before paragraph (e) insert—

“(dg) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;”;

(b) for paragraph (e) substitute—

“(e) any benefit corresponding to a benefit mentioned in any of the foregoing paragraphs of this definition; and”.

40. In Article 28 (correction of errors in decisions etc.), in paragraph (3)(j), after “Part 1 of the Pensions Act (Northern Ireland) 2015” (inserted by Schedule 12) insert “or section 29 of that Act”.

The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)

41. The Social Security Fraud Act (Northern Ireland) 2001 is amended as follows.

42. In section 5A (definitions), in the definition of “disqualifying benefit”, before paragraph (d) insert—

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

43. In section 5A (definitions), in the definition of “sanctionable benefit”—

(a) at the end of paragraph (c), omit “or”;

(b) after paragraph (c) insert—

“(ca) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015; or”.

44. In section 9 (power to supplement and mitigate loss of benefit provisions), in subsection (3), after paragraph (bf) (inserted by Schedule 12) insert—

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

The Income Tax (Earnings and Pensions) Act 2003 (c. 1)

45. The Income Tax (Earnings and Pensions) Act 2003 is amended as follows.

46. In section 660 (taxable benefits: UK benefits - Table A), in the table in subsection (1), in the entry relating to bereavement allowance, omit the words “SSCB(NI)A 1992 Section 39B” (in the second column).

47. In section 677 (UK social security benefits wholly exempt from tax), in Part 1 of Table B in subsection (1), in the entry relating to bereavement payments, omit the words “SSCB(NI)A 1992 Section 36” (in the second column).