

2000 No. 260

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Bereavement Benefits Amendment)
Regulations (Northern Ireland) 2000**

Made 18th August 2000

Coming into operation 9th April 2001

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 123(1)(e), 131(1), 132(4)(b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), and Article 14(4)(b) of the Jobseekers (Northern Ireland) Order 1995(b) and now vested in it(c), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(d) in so far as regulation 4 and regulation 5, in so far as it relates to regulation 4, are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those regulations should not be referred to it(e), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Bereavement Benefits Amendment) Regulations (Northern Ireland) 2000 and subject to paragraphs (2) and (3) shall come into operation on 9th April 2001.

(2) Regulation 2(4) shall, in relation to any particular claimant for income support, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph, “benefit week”(f) and “claimant” shall have the same meanings as in regulation 2(1) of the Income Support Regulations.

(3) Regulation 3(3) shall, in relation to any particular claimant for a jobseeker’s allowance, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this

(a) 1992 c. 7
(b) S.I. 1995/2705 (N.I. 15)
(c) See Article 8(b) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)
(d) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); consent function transferred from the Department of the Environment for Northern Ireland to the Department of Finance and Personnel; see Article 6(b) of, and Part II of Schedule 4 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999
(e) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
(f) The definition of “benefit week” was amended by regulation 2(a) of S.R. 1988 No. 318

paragraph, “benefit week”(a) shall have the same meaning as in regulation 1(2) of the Jobseeker’s Allowance Regulations.

(4) In these Regulations—

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(b);

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(c);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(d).

(5) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support Regulations

2.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In Schedule 1B(f) (prescribed categories of person) after paragraph 16 there shall be inserted the following paragraph—

“Certain persons aged between 55 and 60 whose spouse has died

16A. A person—

(a) who had, as at 9th April 2001, attained the age of 55 but not the age of 60;

(b) whose spouse died during the period beginning on and including 9th April 2001 and ending on 9th April 2006, and

(c) who is claiming income support as a single claimant.”.

(3) In Schedule 2 (applicable amounts)—

(a) in paragraph 4(g) (premiums) for “paragraphs 9 to 14ZA” there shall be substituted “paragraphs 8A to 14ZA”;

(b) immediately before paragraph 9 there shall be inserted the following paragraph—

“Bereavement Premium

8A.—(1) Subject to sub-paragraphs (2) and (3), the condition is that the claimant—

(a) had, as at 9th April 2001, attained the age of 55 but not the age of 60;

(a) The definition of “benefit week” was amended by regulation 2(2) of S.R. 1996 No. 358 and regulation 2(2)(a) of S.R. 1996 No. 503

(b) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 Nos. 305 and 345, S.R. 1996 No. 93, S.R. 1997 No. 4 and S.R. 1998 No. 81

(c) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1995 No. 410 and S.R. 1996 Nos. 199 and 288

(d) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 288, 358 and 503

(e) 1954 c. 33 (N.I.)

(f) Schedule 1B was inserted by regulation 22 of, and Schedule 1 to, S.R. 1996 No. 199

(g) Paragraph 4 was amended by regulation 18 of S.R. 1988 No. 318 and regulation 5(4)(b)(i) of S.R. 1996 No. 288

(b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B of the Contributions and Benefits Act(a) in respect of the death of a spouse who died on or after 9th April 2001, and

(c) is claiming income support as a single claimant.

(2) A premium under sub-paragraph (1) shall not be applicable in respect of a claimant who claims income support more than 8 weeks after the last day on which he was entitled to a bereavement allowance.

(3) Where a claimant to whom a premium under sub-paragraph (1) is applicable, ceases to be entitled to income support or to be a single claimant, a premium under sub-paragraph (1) shall only again be applicable to that claimant where he claims income support as a single claimant no more than 8 weeks after the date on which he ceased to be entitled to income support or to an income-based jobseeker's allowance or, as the case may be, to be a single claimant.”;

(c) immediately before sub-paragraph (2) in the table in paragraph 15 (weekly amounts of premiums specified in Part III) there shall be inserted the following sub-paragraph respectively in each column—

“(1A) Bereavement Premium. (1A) £15.30.”.

(4) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) after paragraph 16(f)(b) there shall be added the following sub-paragraphs—

“(g) any widowed mother's allowance paid pursuant to section 37 of the Contributions and Benefits Act;

(h) any widowed parent's allowance paid pursuant to section 39A of the Contributions and Benefits Act(c).”.

Amendment of the Jobseeker's Allowance Regulations

3.—(1) The Jobseeker's Allowance Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In Schedule 1 (applicable amounts)—

(a) in paragraph 5(d) (premiums) for “paragraphs 10 to 17” there shall be substituted “paragraphs 9A to 17”;

(b) immediately before paragraph 10 there shall be inserted the following paragraph—

“Bereavement Premium

9A.—(1) Subject to sub-paragraphs (2) and (3), the condition is that the claimant—

(a) had, as at 9th April 2001, attained the age of 55 but not the age of 60;

(a) Section 39B is inserted by Article 52(2) of S.I. 1999/3147 (N.I. 11) which is commenced from 9th April 2001 by Article 2(3)(a) of the Welfare Reform and Pensions (1999 Order) (Commencement No. 3) Order (Northern Ireland) 2000 (S.R. 2000 No. 133 (C. 5))

(b) Paragraph 16 was substituted by regulation 5(3) of S.R. 1995 No. 410

(c) Section 39A is inserted by Article 52(2) of S.I. 1999/3147 (N.I. 11)

(d) Paragraph 5 was amended by regulation 9(4)(b)(i) of S.R. 1996 No. 288

(b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B of the Benefits Act in respect of the death of a spouse who died on or after 9th April 2001, and

(c) is claiming a jobseeker's allowance as a single claimant.

(2) A premium under sub-paragraph (1) shall not be applicable in respect of a claimant who claims a jobseeker's allowance more than 8 weeks after the last day on which he was entitled to a bereavement allowance.

(3) Where a claimant to whom a premium under sub-paragraph (1) is applicable, ceases to be entitled to an income-based jobseeker's allowance or to be a single claimant, a premium under sub-paragraph (1) shall only again be applicable to that claimant where he claims a jobseeker's allowance as a single claimant no more than 8 weeks after the date on which he ceased to be entitled to an income-based jobseeker's allowance or to income support or, as the case may be, to be a single claimant.”;

(c) immediately before sub-paragraph (2) in the table in paragraph 20 (weekly amounts of premiums specified in Part III) there shall be inserted the following sub-paragraph respectively in each column—

“(1A) Bereavement Premium. (1A) £15.30.”.

(3) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) after paragraph 17(f) there shall be added the following sub-paragraphs—

“(g) any widowed mother's allowance paid pursuant to section 37 of the Benefits Act;

(h) any widowed parent's allowance paid pursuant to section 39A of the Benefits Act.”.

Amendment of the Housing Benefit Regulations

4.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In Schedule 2 (applicable amounts)—

(a) in paragraph 4(a) (premiums) for “paragraphs 9 to 14ZA” there shall be substituted “paragraphs 8A to 14ZA”;

(b) immediately before paragraph 9 there shall be inserted the following paragraph—

“Bereavement Premium

8A.—(1) Subject to sub-paragraphs (2) and (3), the condition is that the claimant—

(a) had, as at 9th April 2001, attained the age of 55 but not the age of 60;

(a) Paragraph 4 was amended by regulation 9(a) of S.R. 1990 No. 345 and regulation 6(b)(i) of S.R. 1997 No. 4

(b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B of the Contributions and Benefits Act in respect of the death of a spouse who died on or after 9th April 2001, and

(c) is claiming housing benefit as a single claimant.

(2) A premium under sub-paragraph (1) shall, except in a case to which sub-paragraph (4) applies, not be applicable in respect of a claimant who claims housing benefit more than 8 weeks after the last day on which he was entitled to a bereavement allowance.

(3) Where a claimant to whom a premium under sub-paragraph (1) is applicable, ceases to be entitled to housing benefit or to be a single claimant, a premium under sub-paragraph (1) shall only again be applicable to that claimant where he claims housing benefit as a single claimant no more than 8 weeks after the date on which he ceased to be entitled to housing benefit or, as the case may be, to be a single claimant.

(4) Where a premium under sub-paragraph (1) becomes applicable to a claimant, it shall again be applicable to that claimant where he claims housing benefit as a single claimant at the end of the benefit period in which it first became applicable and at the end of each subsequent benefit period provided, where he ceases to be a single claimant during the course of any benefit period, he does not cease to be a single claimant for more than 8 weeks.”;

(c) immediately before sub-paragraph (2) in the table in paragraph 15 (amounts of premiums specified in Part III) there shall be inserted the following sub-paragraph respectively in each column—

“(1A) Bereavement Premium. (1A) £15.30.”.

(3) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

(a) after paragraph 14 there shall be inserted the following paragraph—

“14A. Subject to paragraph 35, £15 of any—

(a) widowed mother’s allowance paid pursuant to section 37 of the Contributions and Benefits Act;

(b) widowed parent’s allowance paid pursuant to section 39A of the Contributions and Benefits Act.”;

(b) in paragraph 35(a) for “paragraphs 15” there shall be substituted “paragraphs 14A, 15”.

Cessation in operation of certain provisions of these Regulations

5. Regulations 2(2) and (3), 3(2) and 4(2) shall cease to have effect on 10th April 2006 and the Income Support Regulations, the Jobseeker’s Allowance Regulations and the Housing Benefit Regulations shall apply

(a) Paragraph 35 was amended by regulation 3(3) of S.R. 1990 No. 305, regulation 7(b) of S.R. 1996 No. 93 and regulation 4(3) of S.R. 1998 No. 81

thereafter as if the amendments made to them by those regulations had not been made.

Sealed with the Official Seal of the Department for Social Development on 18th August 2000.

(L.S.)

Chris Thompson
Senior Officer of the Department
for Social Development

The Department of Finance and Personnel hereby consents to regulation 4 and regulation 5, in so far as it relates to regulation 4, of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 18th August 2000.

(L.S.)

V. N. Hewitt
Senior Officer of the Department
of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Income Support (General) Regulations (Northern Ireland) 1987, the Jobseeker's Allowance Regulations (Northern Ireland) 1996 and the Housing Benefit (General) Regulations (Northern Ireland) 1987.

In particular, they provide that—

certain persons aged between 55 and 60 whose spouse has died may be entitled to income support (regulation 2(2));

subject to certain conditions, an additional premium is payable in those benefits to such persons where a person's entitlement to a bereavement allowance has expired, the premium only being payable until 9th April 2006 (regulations 2(3), 3(2) and 4(2));

certain amounts of a widowed mother's allowance and widowed parent's allowance are disregarded for the purpose of ascertaining entitlement to those benefits (regulations 2(4), 3(3) and 4(3)(a)).

Regulation 4(3)(b) makes a consequential amendment.

Regulation 5 provides for the provisions of these Regulations (apart from those relating to the disregard of widowed mother's allowance and widowed parent's allowance) to cease to have effect on 10th April 2006. By this date, all those entitled to income support by virtue of the amendment made by regulation 2(2), will be eligible to claim that benefit because they have attained the age of 60 when the premium payable under regulations 2(3), 3(2) and 4(2) will be replaced by a pensioner premium of a higher value.

In so far as these Regulations are required, for the purposes of regulation 4 and regulation 5, in so far as it relates to regulation 4, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, ("the 1992 Act"), after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the 1992 Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose any charge on business.

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