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STATUTORY INSTRUMENTS

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**2023 No. 134**

**SOCIAL SECURITY**

**The Bereavement Benefits (Remedial) Order 2023**

*Made* - - - - 8th February 2023

*Coming into force* - - 9th February 2023

Provisions about two bereavement benefits in the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(1)</sup> and the Pensions Act 2014<sup>(2)</sup> have been declared<sup>(3)</sup> under section 4 of the Human Rights Act 1998<sup>(4)</sup> to be incompatible with a Convention right<sup>(5)</sup>.

The time for bringing an appeal in the case concerning provisions in the Pensions Act 2014 has expired and no appeal has been brought within that time<sup>(6)</sup>.

The Secretary of State considers that there are compelling reasons for proceeding by way of remedial order<sup>(7)</sup> to make such amendments to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the Pensions Act 2014 as she considers necessary to remove the incompatibility.

In accordance with paragraph 2(a) of Schedule 2 to the Human Rights Act 1998, a draft of this instrument was laid before Parliament and was approved by a resolution of each House of Parliament, a document containing a draft of this instrument having previously been laid before Parliament in accordance with paragraph 3(1) of that Schedule.

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by section 10(2) of, and paragraph 1(1), (2) and (3) of Schedule 2 to, the Human Rights Act 1998.

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(1) 1992 c. 7.

(2) 2014 c. 19.

(3) By the Supreme Court in the case of *In the matter of an application by Siobhan McLaughlin for Judicial Review (Northern Ireland)* [2018] UKSC 48; by the High Court in the case of *Jackson and others v Secretary of State for Work and Pensions* [2020] EWHC 183 (Admin).

(4) 1998 c. 42. Section 4(5) was amended by paragraphs 66(1) and (2) of schedule 9 to the Constitutional Reform Act 2005 (c. 4).

(5) See section 1 of the Human Rights Act 1998 for the definition of “the Convention rights” and section 21(1) of that Act for the definition of “the Convention”.

(6) No appeal lay in the case concerning provisions in the Social Security Contributions and Benefits (Northern Ireland) Act 1992 because the declaration was made by the Supreme Court.

(7) See section 21(1) of the Human Rights Act 1998 for the definition of “remedial order”.