



2015 CHAPTER 5

PART 5

BEREAVEMENT SUPPORT PAYMENT

Modifications etc. (not altering text)

- C1 Pt. 5 modified (6.4.2017) by [The Social Security \(Reciprocal Agreements\) Order \(Northern Ireland\) 2017 \(S.R. 2017/73\)](#), arts. 1, **2**
- C2 Pt. 5 modified (coming into operation in accordance with art. 1 of the amending Rule) by [The Social Security \(Ireland\) Order \(Northern Ireland\) 2019 \(S.R. 2019/77\)](#), **art. 2**; 2020 c. 1, Sch. 5 para. 1(1)
- C3 Pt. 5 modified (1.1.2021) by [The Social Security \(Norway\) Order \(Northern Ireland\) 2020 \(S.R. 2020/357\)](#), arts. 1(2), **2**, **Sch.**
- C4 Pt. 5 modified (9.9.2021) by [The Social Security \(Switzerland\) Order \(Northern Ireland\) 2021 \(S.R. 2021/277\)](#), arts. 1(2), 2(2)(h), **Sch.**
- C5 Pt. 5 modified (19.10.2023) by [The Social Security \(Iceland\) \(Liechtenstein\) \(Norway\) Order \(Northern Ireland\) 2023 \(S.R. 2023/181\)](#), arts. 1(1), 2, **Sch.**
- C6 Pt. 5 modified (coming into operation in accordance with art. 1(3) of the amending Rule) by [The Social Security \(Gibraltar\) Order \(Northern Ireland\) 2024 \(S.R. 2024/21\)](#), arts. 1(3), **2(2)(h)**

Bereavement support payment

29.—(1) A person is entitled to a benefit called bereavement support payment if—

- (a) the person's [^{F1}spouse, civil partner or cohabiting partner] dies,

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[^{F2}(aa) in the case of a person whose cohabiting partner dies, the person is pregnant or entitled to child benefit in circumstances specified under subsection (4) or, where no such circumstances are specified, in such circumstances as the Department may specify by regulations,]

(b) the person is under pensionable age when the [^{F3}spouse, civil partner or cohabiting partner] dies,

(c) the person is ordinarily resident in Northern Ireland, or a specified territory, when the [^{F4}spouse, civil partner or cohabiting partner] dies, and

(d) the contribution condition is met (see section 30).

[^{F5}(1A) Only one person is entitled to bereavement support payment in respect of one death.

(1B) Where, apart from subsection (1A), more than one person would be so entitled, entitlement is to be determined in accordance with subsections (1C) and (1D).

(1C) Where only one of those persons is a member of the same household as the deceased, that person is entitled.

(1D) Where there is more than one person who is a member of the same household as the deceased and would (apart from subsection (1A)) be entitled—

(a) if one of those persons is the deceased's spouse or civil partner and is pregnant or entitled to child benefit in circumstances specified under subsection (1)(aa) or (4), that person is entitled;

(b) if there is no spouse or civil partner entitled under paragraph (a), the deceased's cohabiting partner who is pregnant or entitled to child benefit in circumstances specified under subsection (1)(aa) or (4) is entitled (but this is subject to paragraphs (c) and (d));

(c) if there is more than one cohabiting partner within paragraph (b), the cohabiting partner who has been a member of the same household as the deceased for longest is entitled;

(d) if there is more than one cohabiting partner within paragraph (b) and each partner has been a member of the same household as the deceased for the same length of time, the Department must determine who is entitled.]

(2) The Department must by regulations specify—

(a) the rate of the benefit, and

(b) the period for which it is payable.

(3) The regulations may specify different rates for different periods.

(4) In the case of a person who is pregnant or entitled to child benefit in specified circumstances, the regulations may—

(a) specify a higher rate;

(b) provide for the allowance to be payable for a longer period.

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(5) A person is not entitled to bereavement support payment for periods after the person has reached pensionable age.

(6) A person is not entitled to bereavement support payment if the death occurred before this section came fully into operation.

[^{F6}(6A) For the purposes of this section, the Department may by regulations specify—

- (a) circumstances in which the fact that two persons are married to each other, or are civil partners or cohabiting partners of each other, is to be disregarded;
- (b) circumstances in which two persons are to be treated as if they were married to each other or were civil partners or cohabiting partners of each other;
- (c) circumstances in which people are to be treated as being, or as not being, members of the same household.

(6B) For the purposes of this section, two persons are cohabiting partners if they are not married to, or civil partners of, each other but are living together as if they were married or in a civil partnership.

(6C) The Department must issue a statement of its policy with respect to making determinations under subsection (1D)(d).]

(7) In this section—

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 2 to the 1995 Order;

“specified territory” means a territory specified in regulations made by the Department.

Textual Amendments

- F1** Words in s. 29(1)(a) substituted (retrospective to 30.8.2018) by [The Bereavement Benefits \(Remedial\) Order 2023 \(S.I. 2023/134\)](#), arts. 1(3), **7(2)(a)** (with art. 2)
- F2** S. 29(1)(aa) inserted (retrospective to 30.8.2018) by [The Bereavement Benefits \(Remedial\) Order 2023 \(S.I. 2023/134\)](#), arts. 1(3), **7(2)(b)** (with art. 2)
- F3** Words in s. 29(1)(b) substituted (retrospective to 30.8.2018) by [The Bereavement Benefits \(Remedial\) Order 2023 \(S.I. 2023/134\)](#), arts. 1(3), **7(2)(c)** (with art. 2)
- F4** Words in s. 29(1)(c) substituted (retrospective to 30.8.2018) by [The Bereavement Benefits \(Remedial\) Order 2023 \(S.I. 2023/134\)](#), arts. 1(3), **7(2)(c)** (with art. 2)
- F5** S. 29(1A)-(1D) inserted (retrospective to 30.8.2018) by [The Bereavement Benefits \(Remedial\) Order 2023 \(S.I. 2023/134\)](#), arts. 1(3), **7(3)** (with art. 2)
- F6** S. 29(6A)-(6C) inserted (retrospective to 30.8.2018) by [The Bereavement Benefits \(Remedial\) Order 2023 \(S.I. 2023/134\)](#), arts. 1(3), **7(4)** (with art. 2)

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Commencement Information

- I1** S. 29 in operation at 10.3.2017 for specified purposes by [S.R. 2017/44, art. 2\(1\)\(a\)](#)
- I2** S. 29 in operation at 6.4.2017 in so far as not already in operation by [S.R. 2017/44, art. 2\(1\)\(b\)](#)

Bereavement support payment: contribution condition and amendments

30.—(1) For the purposes of section 29(1)(d) the contribution condition is that, for at least one tax year during the deceased's working life—

- (a) he or she actually paid Class 1 or Class 2 national insurance contributions, and
- (b) those contributions give rise to an earnings factor (or total earnings factors) equal to or greater than 25 times the lower earnings limit for the tax year.

(2) “Earnings factor” is to be construed in accordance with sections 22 and 23 of the Contributions and Benefits Act.

(3) For the purposes of section 29(1)(d) the contribution condition is to be treated as met if the deceased was an employed earner and died as a result of—

- (a) a personal injury of the kind mentioned in section 94(1) of the Contributions and Benefits Act, or
- (b) a disease or personal injury of the kind mentioned in section 108(1) of that Act.

(4) In this section the following expressions have the meanings given by section 121(1) of the Contributions and Benefits Act—

- “employed earner”,
- “lower earnings limit”,
- “tax year”, and
- “working life”.

(5) Schedule 16 contains amendments to do with bereavement support payment.

Commencement Information

- I3** S. 30(1)-(4) in operation at 10.3.2017 for specified purposes by [S.R. 2017/44, art. 2\(1\)\(a\)](#)
- I4** S. 30(1)-(4) in operation at 6.4.2017 in so far as not already in operation by [S.R. 2017/44, art. 2\(1\)\(b\)](#)
- I5** S. 30(5) in operation at 9.2.2017 for specified purposes by [S.R. 2017/37, art. 2\(a\)](#)
- I6** S. 30(5) in operation at 6.4.2017 in so far as not already in operation by [S.R. 2017/44, art. 2\(2\)](#) (with [arts. 3, 4](#))

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Bereavement support payment: prisoners

31.—(1) The Department may by regulations provide that a person is not to be paid bereavement support payment for any period during which the person is a prisoner.

(2) “Prisoner” means a person (in Northern Ireland or elsewhere) who is—

- (a) imprisoned or detained in legal custody, or
- (b) unlawfully at large.

(3) In the case of a person remanded in custody for an offence, regulations under subsection (1) may be made so as to apply only if a sentence of a specified description is later imposed on the person for the offence.

Commencement Information

- I7** S. 31 in operation at 10.3.2017 for specified purposes by [S.R. 2017/44, art. 2\(1\)\(a\)](#)
- I8** S. 31 in operation at 6.4.2017 in so far as not already in operation by [S.R. 2017/44, art. 2\(1\)\(b\)](#)

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Changes and effects yet to be applied to :

- Pt. 5 modified by [S.R. 2019/211 art. 2\(2\)\(h\)](#) (This amendment not applied to legislation.gov.uk. Affecting Order revoked (19.12.2020) without ever being in force by S.R. 2020/347, arts. 1(1), 2)
- specified provision(s) transitional provisions for effects of commencing S.I. 2017/297, art. 2 by [S.R. 2017/58](#) Order