

## **EXPLANATORY MEMORANDUM**

### **THE RATE OF BEREAVEMENT BENEFITS REGULATIONS (NORTHERN IRELAND) 2010**

**S.R. 2010 No. 407**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department for Social Development (“the Department”) to accompany the above Statutory Rule which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under sections 39(2A), 39C(1A), and 171(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1 The Regulations set the rate of Bereavement Benefits at £97.65 per week.
- 2.2 Regulation 1 provides for citation and commencement. The Regulations come into operation on 1 January 2011.
- 2.3 Regulation 2 sets the rate of widowed mother’s allowance and widow’s pension at £97.65.
- 2.4 Regulation 3 sets the rate of widowed parent’s allowance and bereavement allowance at £97.65.

#### **3. Background**

- 3.1 Currently, the rate of Bereavement Benefits is directly linked to the rate of basic State Pension as provided for in section 44 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992. Both are uprated annually by the Retail Prices Index.
- 3.2 The Pensions Act (Northern Ireland) 2008 provides for the uprating of the basic State Pension by reference to earnings from April 2011 and for Bereavement Benefits to continue to be uprated by reference to prices. The link between the rate of Bereavement Benefits and basic State Pension has, therefore, been removed.
- 3.3 In order to facilitate future uprating of Bereavement Benefits, section 6 of the Pensions Act (Northern Ireland) 2008 requires the Department to specify a rate for those benefits that is equal to the basic State Pension prior to its first uprating under section 132A of the Social Security Administration (Northern Ireland) Act 1992. The full basic State Pension is currently £97.65 per week and the Regulations set the rate of

Bereavement Benefits at that amount from 1 January 2011. Thereafter, they will continue to be uprated in line with prices.

#### **4. Consultation**

As the Regulations correspond to Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain, they do not have to be submitted to the Social Security Advisory Committee.

#### **5. Equality Impact**

The Regulations do not represent a change of policy or affect entitlement to Bereavement Benefits. They are consequential on provisions in the Pensions Act (Northern Ireland) 2008 providing for State Pension to be uprated by earnings. The Department has conducted a screening exercise and has concluded they do not have any impact on equality of opportunity.

#### **6. Regulatory Impact**

The Regulations do not require a Regulatory Impact Assessment as they do not impose a cost on business, charities, social enterprise or voluntary bodies.

#### **7. Financial Implications**

There are no financial implications arising from the Regulations.

#### **8. Section 24 of the Northern Ireland Act 1998**

The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Regulations are not incompatible with any of the Convention rights, are not incompatible with Community law, do not discriminate against a person or class of person on the ground of religious belief or political opinion, and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

#### **9. EU Implications**

Not applicable.

#### **10. Parity or Replicatory Measure**

The provisions come into operation on 1 January 2011 at the same time as the corresponding Great Britain provisions. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.