
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 65

**The Bereavement Support Payment
Regulations (Northern Ireland) 2018**

Citation and commencement

1. These Regulations may be cited as the Bereavement Support Payment Regulations (Northern Ireland) 2018 and come into operation on the 4th April 2018.

Period for which bereavement support payment is payable

2.—(1) The period for which bereavement support payment is payable is as follows.

(2) The period starts—

- (a) on the date the person's spouse or civil partner died, where the person claims the payment three months or less after that date; or
- (b) at the beginning of the period of three months preceding the date the person claims the payment, where the person claims the payment—
 - (i) more than three months after the date the person's spouse or civil partner died; and
 - (ii) no more than three months after the date the period finishes under paragraph (3).

(3) The period finishes at the end of the period of 18 months beginning with the day after the date the person's spouse or civil partner died.

Rate of bereavement support payment

3.—(1) The higher rate of bereavement support payment is £350 for each monthly recurrence of the day of the month on which the person's spouse or civil partner died during the period for which bereavement support payment is payable (see regulation 2).

(2) Where the person claims bereavement support payment 12 months or less after the date their spouse or civil partner died, the higher rate of bereavement support payment is £3,500 for the first month of the period for which bereavement support payment is payable.

(3) Any higher rate mentioned in paragraph (2) is in addition to any higher rate mentioned in paragraph (1).

(4) The standard rate of bereavement support payment is £100 for each monthly recurrence of the day of the month on which the person's spouse or civil partner died during the period for which bereavement support payment is payable.

(5) Where the person claims bereavement support payment 12 months or less after the date their spouse or civil partner died, the standard rate of bereavement support payment is £2,500 for the first month of the period for which bereavement support payment is payable.

(6) Any standard rate mentioned in paragraph (5) is in addition to any standard rate mentioned in paragraph (4).

(7) Where a person's spouse or civil partner died on the 31st day of a month, the monthly recurrence of the day of death is to be treated for the purposes of paragraphs (1) and (4) as falling on the last day of the month.

(8) Where a person's spouse or civil partner died on the 29th or 30th day of a month, the monthly recurrence of the day of death in February is to be treated for those purposes as falling on the last day of February.

Persons entitled to the higher rate of bereavement support payment

4.—(1) A person falling within any of paragraphs (2) to (4) is entitled to the higher rate of bereavement support payment under regulation 3(1) to (3).

(2) A person who was pregnant when their spouse or civil partner died.

(3) A person who was entitled to child benefit under section 137 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (child benefit)(1) when their spouse or civil partner died.

(4) A person who, after their spouse or civil partner died, becomes entitled to child benefit under section 137 of that Act for a child or qualifying young person who was residing with the person or their deceased spouse or civil partner immediately before the spouse or civil partner died.

(5) Paragraph (4) applies to a person whether or not they later cease to be entitled to child benefit for that child or qualifying young person.

(6) In this regulation, "child" and "qualifying young person" have the same meaning as in section 138 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(2) (definitions of "child" and "qualifying young person")

Persons entitled to the standard rate of bereavement support payment

5. A person is entitled to the standard rate of bereavement support payment under regulation 3(4) to (6) if they are not entitled to the higher rate of bereavement support payment.

Prisoners who are not to be paid bereavement support payment

6.—(1) Subject to regulation 7, a person is not to be paid a bereavement support payment for any period during which the person is a prisoner(3).

(2) Except where paragraph (3) applies, a person is a prisoner for the purposes of paragraph (1) where the person is—

- (a) a prisoner in Northern Ireland or elsewhere who is imprisoned or detained in legal custody in connection with, or as a result of, criminal proceedings;
- (b) a prisoner in Northern Ireland or elsewhere who is unlawfully at large;
- (c) a prisoner in Northern Ireland who is being detained—
 - (i) under Article 53 of the Mental Health (Northern Ireland) Order 1986 (removal to hospital of persons serving sentences of imprisonment, etc.)(4); and
 - (ii) on or before the day which the Minister of Justice certifies to be the person's release date (if any) within the meaning of Article 56(3) of that Order (further provisions as to prisoners under sentence).

(1) 1992 c. 7; section 137 was amended by section 2 of the Child Benefit Act 2005 (c.6)

(2) Section 138(2) was substituted by section 2(2) of the Child Benefit Act 2005

(3) See section 31(2) of the Pensions Act (Northern Ireland) 2015

(4) S.I. 1986/595 (NI 4)

(3) Where a person outside Northern Ireland is a prisoner within paragraph (2)(a) or (b) and, in similar circumstances in Northern Ireland, the person would not have been a prisoner, the person is not a prisoner within paragraph (2)(a) or (b).

Paying bereavement support payment to persons who are remanded in custody

7.—(1) Where a person is remanded in custody for an offence, regulation 6(1) does not apply unless a sentence described in paragraph (2) is later imposed on the person for the offence.

(2) Subject to paragraph (3), the sentences described for the purposes of paragraph (1) are—

- (a) a sentence of imprisonment or detention in legal custody as a result of criminal proceedings;
- (b) a sentence of detention where the provision mentioned in regulation 6(2)(c)(i) applies;
- (c) a suspended sentence within the meaning in section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 **(5)**(suspended sentences of imprisonment).

(3) A sentence described in paragraph (2)(a) which is imposed outside Northern Ireland is not a sentence described for the purposes of paragraph (1) if, in similar circumstances in Northern Ireland, a sentence described in paragraph (2)(a) would not have been imposed.

Territory in which a person may be entitled to bereavement support payment

8. For the purposes section 29(1)(c) of the Pensions Act (Northern Ireland) 2015 (bereavement support payment), the territory specified is any part of the Channel Islands which is not subject to an Order made under section 155 of the Social Security Administration (Northern Ireland) Act 1992 (reciprocal agreement with countries outside the United Kingdom)**(6)**.

Revocation

9. The Bereavement Support Payment (No.2) Regulations (Northern Ireland) 2017**(7)** are revoked.

Sealed with the Official Seal of the Department for Communities on 27th March 2018

(L.S.)

Anne McCleary
A senior officer of the Department for
Communities

(5) 1968 c. 29 (N.I.); section 18 was amended by Article 9(1) of the Treatment of Offenders (Northern Ireland) Order 1989 (S.I. 1989/1344 (N.I. 15))

(6) Section 155 was amended by section 30 and paragraph 31 to Schedule 16 to the Pensions Act (Northern Ireland) 2015

(7) S.R. 2017 No. 203