
STATUTORY INSTRUMENTS

2017 No. 410

The Bereavement Support Payment Regulations 2017

Prisoners who are not to be paid bereavement support payment

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

(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 Great Britain or elsewhere who is imprisoned or detained in legal custody in connection with, or as a result of, criminal proceedings;
- (b) a prisoner in Great Britain or elsewhere who is unlawfully at large;
- (c) a prisoner in Great Britain who is being detained—
 - (i) under section 47 of the Mental Health Act 1983 (removal to hospital of persons serving sentences of imprisonment, etc)⁽²⁾; and
 - (ii) on or before the day which the Secretary of State certifies to be the person's release date (if any) within the meaning in section 50(3) of that Act (further provisions as to prisoners under sentence)⁽³⁾;
- (d) a prisoner in Great Britain who is being detained under section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (transfer of prisoners for treatment of mental disorder)⁽⁴⁾.

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

⁽¹⁾ See section 32(2) of the Pensions Act 2014 for the meaning of “prisoner”.

⁽²⁾ 1983 c.20. Section 47 was amended by section 49(3) of, and Schedule 6 to, the Crime (Sentences) Act 1997 (c.43), paragraph 18 of Schedule 10 to the Domestic Violence, Crime and Victims Act 2004 (c.28), paragraph 97 of Schedule 16 to the Armed Forces Act 2006 (c.52) and section 4(7) of, and paragraph 10 of Schedule 1 and Part 1 of Schedule 11 to, the Mental Health Act 2007 (c.12). S.I. 1999/672 transferred functions under section 47 to the National Assembly for Wales.

⁽³⁾ Section 50(3) was substituted by section 294(3) of the Criminal Justice Act 2003 (c.44).

⁽⁴⁾ 2003 asp.13.

Changes to legislation:

There are currently no known outstanding effects for the The Bereavement Support Payment Regulations 2017, Section 6.