
STATUTORY INSTRUMENTS

2023 No. 134

The Bereavement Benefits (Remedial) Order 2023

Transitional provisions

3.—(1) Paragraphs (2) and (3) apply where, apart from satisfying the condition of making a claim, the claimant is entitled to a widowed parent’s allowance as a result of this Order for any part of the period beginning on 30th August 2018 and ending on the day this Order comes into force.

(2) In regulation 19(2) of the Social Security (Claims and Payments) Regulations 1987 (time for claiming benefit)(1) “three months” is to be read in relation to that entitlement as “12 months”.

(3) In regulation 19(2) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (time for claiming benefit)(2) “3 months” is to be read in relation to that entitlement as “12 months”.

(4) Paragraphs (5) and (6) apply where, apart from satisfying the condition of making a claim, the claimant is entitled to bereavement support payment as a result of this Order in relation to a death which occurred before the day this Order comes into force.

(5) Regulation 19 of the Social Security (Claims and Payments) Regulations 1987 (time for claiming benefit) is to be read in relation to that entitlement as follows—

(a) in paragraph (2), the words from “three months” to the end of the paragraph are to be read as “21 months beginning with the day after the day the Bereavement Benefits (Remedial) Order 2023 comes into force”; and

(b) in paragraph (3BA)(3)—

(i) sub-paragraph (b) is to be read as though the following was substituted for it—

“(b) the date on which the claimant’s cohabiting partner (within the meaning in section 30(6B) of the Pensions Act 2014) died,”; and

(ii) “that date of death” is to be read as “the day the Bereavement Benefits (Remedial) Order 2023 comes into force”.

(6) Regulation 19 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (time for claiming benefit) is to be read in relation to that entitlement as follows—

(a) in paragraph (2), the words from “3 months” to the end of the paragraph are to be read as “21 months beginning with the day after the day the Bereavement Benefits (Remedial) Order 2023 comes into force”; and

(b) in paragraph (3BA)(4)—

(i) sub-paragraph (b) is to be read as though the following was substituted for it—

“(b) the date on which the claimant’s cohabiting partner (within the meaning in section 29(6B) of the Pensions Act (Northern Ireland) 2015) died,”; and

(1) [S.I. 1987/1968](#). Regulation 19 was inserted by [S.I. 1997/793](#). There are other amendments to Regulation 19 not relevant to this Order.

(2) [S.R. 1987 No. 465](#). Regulation 19(2) was inserted by [S.R. 1997 No. 156](#).

(3) Paragraph (3BA) was inserted into Regulation 19 by [S.I. 2017/422](#).

(4) Paragraph (3BA) was inserted into regulation 19 by [S.I. 2017/66](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(ii) “that date of death” is to be read as “the day the Bereavement Benefits (Remedial) Order 2023 comes into force”.

(7) Where paragraph (2) or (5) applies to a person’s claim for benefit, section 1(2) of the Social Security Administration Act 1992 (entitlement to benefit dependent on claim)(5) does not apply to their entitlement.

(8) Where paragraph (3) or (6) applies to a person’s claim for benefit, section 1(2) of the Social Security Administration (Northern Ireland) Act 1992 (entitlement to benefit dependent on claim)(6) does not apply to their entitlement.

(5) 1992 c. 5. Section 1(2) was amended by paragraph 16 of Schedule 8 to the Welfare Reform and Pensions Act 1999 and substituted by paragraph 21(2) of Schedule 16 to the Pensions Act 2014.

(6) 1992 c. 8. Section 1(2) was amended by S.I. 1999/3147 (N.I. 11) and substituted by paragraph 21(2) of Schedule 16 to the Pensions Act (Northern Ireland) 2015.