

Status: Point in time view as at 06/04/2017.

Changes to legislation: Pensions Act (Northern Ireland) 2015, PART 5 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



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

Bereavement support payment

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

- (a) the person's spouse or civil partner dies,
 - (b) the person is under pensionable age when the spouse or civil partner dies,
 - (c) the person is ordinarily resident in Northern Ireland, or a specified territory, when the spouse or civil partner dies, and
 - (d) the contribution condition is met (see section 30).
- (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;

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

(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.

(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.

Commencement Information

II S. 29 in operation at 10.3.2017 for specified purposes by [S.R. 2017/44, art. 2\(1\)\(a\)](#)

II 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”.

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(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](#))

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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