



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART I

CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

[^{F1}Bereavement benefits]

Textual Amendments

- F1** S. 3 and preceding cross-heading substituted (24.4.2000 for certain purposes, otherwise 9.4.2001) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 16** (with art. 75); S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**

[^{F23} Late claims for bereavement benefit where death is difficult to establish.

- (1) This section applies where a person's spouse [^{F3}or civil partner] has died or maybe presumed to have died on or after the appointed day and the circumstances are such that—
- (a) more than 12 months have elapsed since the date of death; and
 - (b) either—
 - (i) the spouse's [^{F4}or civil partner's] body has not been discovered or identified or, if it has been discovered and identified, the surviving spouse [^{F3}or civil partner] does not know that fact; or
 - (ii) less than 12 months have elapsed since the surviving spouse [^{F3}or civil partner] first knew of the discovery and identification of the body.
- (2) Where this section applies, notwithstanding that any time prescribed for making a claim for a bereavement benefit in respect of the death has elapsed, then—
- (a) in any case falling within paragraph (b)(i) of subsection (1) above, where it has been decided under Article 9 of the Social Security (Northern Ireland)

*Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Cross Heading:
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Order 1998 that the spouse [^{F3}or civil partner] has died or is presumed to have died; or

(b) in any case falling within paragraph (b)(ii) of subsection (1) above where the identification was made not more than 12 months before the surviving spouse [^{F3}or civil partner] first knew of the discovery and identification of the body, such a claim may be made or treated as made at any time before the expiration of the period of 12 months beginning with the date on which that decision was made or, as the case may be, the date on which the surviving spouse [^{F3}or civil partner] first knew of the discovery and identification.

^{F5}(3)

(4) In subsection (1) above “the appointed day” means the day appointed for the coming into operation of Articles 51 to 53 of the Welfare Reform and Pensions (Northern Ireland) Order 1999.]

[^{F6}(5) In subsection (2) “bereavement benefit” means—

- (a) bereavement support payment, or
- (b) widowed parent's allowance.]

Textual Amendments

- F2** S. 3 and preceding cross-heading substituted (24.4.2000 for certain purposes, otherwise 9.4.2001) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 16** (with art. 75); S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**
- F3** Words in s. 3 inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 108(a)**; S.I. 2005/3255, art. 2(1), Sch.
- F4** Words in s. 3 inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 108(b)**; S.I. 2005/3255, art. 2(1), Sch.
- F5** S. 3(3) repealed (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 23(2)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)
- F6** S. 3(5) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 23(3)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

4 Treatment of payments of benefit to certain widows.

In any case where—

- (a) a claim for a widow’s pension or a widowed mother’s allowance is made, or treated as made, before 14th August 1990 (the date of the coming into operation of paragraph 16(2) of Schedule 6 to the ^{M1}Social Security (Northern Ireland) Order 1990); and
- (b) the Department has made a payment to or for the claimant on the ground that, if the claim had been received immediately after that date, she would have been entitled to that pension or allowance, or entitled to it at a higher rate, for the period in respect of which the payment is made,

the payment so made shall be treated as a payment of that pension or allowance; and, if and to the extent that an award of the pension or allowance, or an award at a higher rate, is made for the period in respect of which the payment was made, the payment shall be treated as made in accordance with that award.

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Marginal Citations

M1 S.I. 1990/1511 (N.I. 15).

Changes to legislation:

Social Security Administration (Northern Ireland) Act 1992, Cross Heading: Bereavement benefits is up to date with all changes known to be in force on or before 21 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. [S.I. 2018/1125, reg. 8](#) omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Act modified by [S.R. 2019/211 art. 2\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Affecting Order revoked (19.12.2020) without ever being in force by [S.R. 2020/347](#), arts. 1(1), 2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 101(1)(4)(5)s. 101(6)(a)(b) words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 2A(9) added by [2010 c. 13 \(N.I.\) Sch. 1 para. 24](#)
- s. 2G(1)(d) inserted by [S.I. 2015/2006 \(N.I.\) art. 65\(5\)](#)
- s. 5(1A)-(1C) inserted by [2010 c. 13 \(N.I.\) s. 18\(2\)\(c\)](#)
- s. 31A(1A) words substituted by [S.I. 2015/2006 \(N.I.\) Sch. 4 para. 11\(a\)\(ii\)](#)
- s. 104A(1A)-(1C) inserted by [2007 c. 2 \(N.I.\) s. 42\(3\)](#)
- s. 110A inserted by [2007 c. 2 \(N.I.\) s. 43](#)
- s. 110A repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 110A heading word inserted by [S.I. 2015/2006 \(N.I.\) art. 114\(4\)](#)
- s. 110A(2) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(5\)\(a\)](#)
- s. 110A(2)(b) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(5\)\(b\)](#)
- s. 110A(4)(b) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(6\)](#)
- s. 110ZA inserted by [S.I. 2015/2006 \(N.I.\) art. 114\(2\)](#)
- s. 110ZA repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 116E and cross-heading inserted by [2010 c. 13 \(N.I.\) s. 16\(3\)](#)
- s. 126(2)-(2B) substituted for s. 126(2) by [2007 c. 2 \(N.I.\) s. 35](#)
- s. 130AB inserted by [2008 c. 13 \(N.I.\) Sch. 3 para. 14](#)
- s. 140C inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 20](#)
- s. 166(2)(ac) inserted by [2010 c. 13 \(N.I.\) s. 17](#)