
STATUTORY INSTRUMENTS

2000 No. 2876

SOCIAL SECURITY

**The Welfare Reform and Pensions (Persons
Abroad: Benefits for Widows and Widowers)
(Consequential Amendments) Regulations 2000**

<i>Made</i>	- - - -	<i>23rd October 2000</i>
<i>Laid before Parliament</i>		<i>27th October 2000</i>
<i>Coming into force</i>	- -	<i>9th April 2001</i>

The Secretary of State for Social Security, in exercise of powers conferred by 85(6)(a) of the Welfare Reform and Pensions Act 1999(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Welfare Reform and Pensions (Persons Abroad: Benefits for Widows and Widowers) (Consequential Amendments) Regulations 2000 and shall come into force on 9th April 2001.

Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975

2.—(1) The Social Security Benefit (Persons Abroad) Regulations 1975(2) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (definitions) at the appropriate places in the alphabetical order, insert—

““bereavement allowance” means an allowance referred to in section 39B of the Social Security Contributions and Benefits Act 1992(3);

“bereavement benefit” means a benefit referred to in section 20(1)(ea)(4) of the Contributions and Benefits Act;

“widowed parent’s allowance” means an allowance referred to in section 39A of the Social Security Contributions and Benefits Act 1992(5);”.

(1) 1999 c. 30.

(2) S.I.1975/563: the relevant amending instruments are S.I. 1989/1642, 1990/621, 1992/1700 and 1998/435.

(3) Section 39B was inserted by section 55(2) of the Welfare Reform and Pensions Act 1999.

(4) Section 20(1)(ea) was inserted by paragraph 3(2)(b) of Schedule 8 to the Welfare Reform and Pensions Act 1999.

(5) Section 39A was inserted by section 55(2) of the Welfare Reform and Pensions Act 1999.

(3) In regulation 4 (modification of the Act in relation to widow's benefit, child's special allowance, guardian's allowance and retirement pension)—

(a) in the heading and in paragraph (1)(6) after "widow's benefit," insert "bereavement benefit,";

(b) after paragraph (2A)(7), add—

"(2B) In the case of a bereavement payment, paragraph (1) above shall apply only where—

- (a) the deceased spouse was in Great Britain at the time of his or her death;
- (b) sub-paragraph (a) above does not apply but the surviving spouse returned to Great Britain within 4 weeks of the deceased spouse's death; or
- (c) the contribution conditions for widowed parent's allowance and bereavement allowance set out in paragraph 5 of Schedule 3 to the Act(8) or in regulation 6 of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979(9) are satisfied in relation to the surviving spouse."

(4) In regulation 5(3)(d)(10) (which provides that a person's disqualification from receiving any additional widow's benefit shall not be affected where the widow's husband had become entitled to a Category A retirement pension or died before the appointed date), for "if her husband", substitute "or bereavement benefit if the deceased spouse".

(5) For regulation 5A (rate of guaranteed minimum pension for the purposes of section 29 of the Pensions Act)(11) after "widowed mother's allowance", insert ", bereavement allowance, widowed parent's allowance".

Signed by authority of the Secretary of State for Social Security.

Angela Eagle
Parliamentary Under-Secretary of State,
Department of Social Security

23rd October 2000

(6) Paragraph (1) was amended by regulation 2 of S.I. 1992/1700.

(7) Paragraph (2A) was added by regulation 2 of S.I. 1998/435.

(8) Paragraph 5 was amended by paragraph 38(3) of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c. 18), sections 129 and 134(5) of, and paragraph 4 of Schedule 4 and Part II of Schedule 7 to, the Pensions Act 1995 (c. 26), and paragraph 13(3) of Schedule 8 to the Welfare Reform and Pensions Act 1999.

(9) S.I. 1979/642: Regulation 6 was amended by regulation 2(2) of S.I. 1990/2642 and regulation 7(3) of S.I. 2000/1483.

(10) Regulation 5(3) was amended by regulation 8(3)(a) of S.I. 1989/1642.

(11) Regulation 5A was added by regulation 2(4) of S.I. 1990/621.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The regulations contained in this instrument are consequential upon amendments made to the Social Security Contributions and Benefits Act 1992 (c. 4) by sections 54 to 56 of the Welfare Reform and Pensions Act 1999 (c. 30).

These Regulations make amendments to the Social Security Benefit (Persons Abroad) Regulations 1975 due to the introduction of bereavement payment, bereavement allowance and widowed parent's allowance by sections 54 to 56 of the Welfare Reform and Pensions Act 1999 which inserted sections 39A (widowed parent's allowance) and 39B (bereavement allowance) into the Social Security Contributions and Benefits Act 1992 and substituted section 36 of that Act to provide for a bereavement payment.

These Regulations do not impose any costs on business.