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STATUTORY INSTRUMENTS

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**2023 No. 134**

**The Bereavement Benefits (Remedial) Order 2023**

**Amendment of the Pensions Act 2014**

4.—(1) Section 30 of the Pensions Act 2014 (bereavement support payment) is amended in accordance with the following provisions.

(2) In subsection (1)—

(a) in paragraph (a), for “spouse or civil partner” substitute “spouse, civil partner or cohabiting partner”;

(b) after paragraph (a), insert—

“(aa) in the case of a person whose cohabiting partner dies, the person is pregnant or entitled to child benefit in circumstances specified under subsection (4) or, where no such circumstances are specified, in such circumstances as the Secretary of State may specify by regulations,”; and

(c) in paragraphs (b) and (c), for “spouse or civil partner” substitute “spouse, civil partner or cohabiting partner”.

(3) After subsection (1), insert—

“(1A) Only one person is entitled to bereavement support payment in respect of one death.

(1B) Where, apart from subsection (1A), more than one person would be so entitled, entitlement is to be determined in accordance with subsections (1C) and (1D).

(1C) Where only one of those persons is a member of the same household as the deceased, that person is entitled.

(1D) Where there is more than one person who is a member of the same household as the deceased and would (apart from subsection (1A)) be entitled—

(a) if one of those persons is the deceased’s spouse or civil partner and is pregnant or entitled to child benefit in circumstances specified under subsection (1)(aa) or (4), that person is entitled;

(b) if there is no spouse or civil partner entitled under paragraph (a), the deceased’s cohabiting partner who is pregnant or entitled to child benefit in circumstances specified under subsection (1)(aa) or (4) is entitled (but this is subject to paragraphs (c) and (d));

(c) if there is more than one cohabiting partner within paragraph (b), the cohabiting partner who has been a member of the same household as the deceased for longest is entitled;

(d) if there is more than one cohabiting partner within paragraph (b) and each partner has been a member of the same household as the deceased for the same length of time, the Secretary of State must determine who is entitled.”.

(4) After subsection (6), insert—

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

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“(6A) For the purposes of this section, the Secretary of State may by regulations specify—

- (a) circumstances in which the fact that two persons are married to each other, or are civil partners or cohabiting partners of each other, is to be disregarded;
- (b) circumstances in which two persons are to be treated as if they were married to each other or were civil partners or cohabiting partners of each other;
- (c) circumstances in which people are to be treated as being, or as not being, members of the same household.

(6B) For the purposes of this section, two persons are cohabiting partners if they are not married to, or civil partners of, each other but are living together as if they were married or civil partners.

(6C) The Secretary of State must issue a statement of the Secretary of State’s policy with respect to making determinations under subsection (1D)(d).”.