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S T A T U T O R Y   I N S T R U M E N T S

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**2000 No. 1483**

**SOCIAL SECURITY**

**The Social Security (Benefits for Widows and Widowers)  
(Consequential Amendments) Regulations 2000**

<i>Made</i> - - - - -	<i>5th June 2000</i>
<i>Laid before Parliament</i>	<i>12th June 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 sections 22(5)(a), 48B(5)(b), 54(1) and (2)(c), 60(d), 81, 122(1)(e), 144(1), 145 and 175(1) to (3)(f) of the Social Security Contributions and Benefits Act 1992(g) and sections 1(1), 5(1)(i) and (k), 71(h), 73(i), 74(j) and 189(1) and (3)(k) of the Social Security Administration Act 1992(l) and of all other powers enabling him in that behalf, by this instrument, which contains only regulations consequential upon sections 54 to 56 of the Welfare Reform and Pensions Act 1999(m), makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Benefits for Widows and Widowers) (Consequential Amendments) Regulations 2000 and shall come into force on 9th April 2001.

**Amendment of the Social Security (Hospital In-Patients) Regulations 1975**

2.—(1) The Social Security (Hospital In-Patients) Regulations 1975(n) shall be amended in accordance with the following provisions of this regulation.

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- (a) Section 22(5) was amended by paragraph 22 of Schedule 2 to the Jobseekers Act 1995 (c. 18).  
 (b) Section 48B(5) was inserted by paragraph 3 of Schedule 4 to the Pensions Act 1995 (c. 26).  
 (c) Subsections (1) and (2) were amended by paragraph 6(1) and (5) of Schedule 4 and Part II of Schedule 7 to the Pensions Act 1995 and paragraph 62 of Schedule 7 to the Social Security Act 1998 (c. 14) respectively.  
 (d) Section 60 was amended by paragraph 21(9) of Schedule 4 to the Pensions Act 1995.  
 (e) Section 122(1) is cited because of the meaning ascribed to the word “prescribe”.  
 (f) Section 175(1) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2).  
 (g) 1992 c. 4.  
 (h) Section 71 was amended by section 32(1) of, and paragraph 48 of Schedule 2 and Schedule 3 to, the Jobseekers Act 1995, section 1 of the Social Security (Overpayments) Act 1996 (c. 51), paragraph 81 of Schedule 7 to the Social Security Act 1998 and paragraph 3(c) of Schedule 1 to the Tax Credits Act 1999 (c. 10).  
 (i) Section 73 was amended by paragraph 49(2) of Schedule 2 to the Jobseekers Act 1995.  
 (j) Section 74 was amended by paragraph 50 of Schedule 2 to the Jobseekers Act 1995.  
 (k) Section 189 was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 and paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions etc.) Act 1999.  
 (l) 1992 c. 5.  
 (m) 1999 c. 30; See section 173(5)(b) of the Social Security Administration Act 1992.  
 (n) S. I. 1975/555; the relevant amending instruments are S.I. 1983/186, 1984/1303 and 1995/829.

(2) In regulation 2(1) (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(a); “widowed parent’s allowance” means an allowance referred to in section 39A of the Social Security Contributions and Benefits Act 1992(b);”.

(3) In Schedule 2 (personal benefits)(c) after “Widower’s pension under section 69 of the Act”, add—

“Bereavement allowance  
Widowed parent’s allowance”.

### **Amendment of the Social Security (Credits) Regulations 1975**

**3.—(1)** The Social Security (Credits) Regulations 1975(d) shall be amended in accordance with the following provisions of this regulation.

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

““bereavement allowance” means an allowance referred to in section 39B of the Contributions and Benefits Act;

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

“widowed parent’s allowance” means an allowance referred to in section 39A of the Contributions and Benefits Act;”.

(3) In regulation 3(1)(a) (which provides that contributions or earnings shall be credited only for the purpose of satisfying the second contribution condition in relation to certain benefits)(f) after “widowed mother’s allowance,”, insert “widowed parent’s allowance, bereavement allowance,”.

(4) In regulation 4 in the heading and in paragraph (1) (which provides for the crediting of Class 3 contributions for the purpose of entitlement to certain benefits)(g) after “widowed mother’s allowance”, insert “, a widowed parent’s allowance, a bereavement allowance”.

(5) In regulation 7A(1) (credits for invalid care allowance)(h) after—

(a) “widow”, insert “or widower”;

(b) “widow’s benefit”, insert “, bereavement benefit”.

(6) In regulation 7C(1) (which provides for the crediting of earnings equal to the prevailing weekly lower earnings limit in certain cases where working families’ tax credit is being paid)(i) after “a widowed mother’s allowance”, insert “, a widowed parent’s allowance, a bereavement allowance”.

(7) After regulation 8B (credits for incapacity for work)(j), insert—

#### **“Credits on termination of bereavement benefits**

**8C.—(1)** This regulation applies for the purpose only of enabling a person who previously received a bereavement benefit (“the recipient”) to satisfy, as the case may be, the condition referred to in—

(a) paragraph 2(3)(b) of Schedule 3 to the Contributions and Benefits Act in relation to short-term incapacity benefit; or

(a) Section 39B was inserted by section 55(2) of the Welfare Reform and Pensions Act 1999 (c. 30).

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

(c) Schedule 2 was amended by regulation 4 of S.I. 1983/186, regulation 11 of S.I. 1984/1303 and regulation 5(3) of S.I. 1995/829.

(d) S.I. 1975/556; the relevant amending instruments are S.I. 1976/409, 1987/414, 1988/1545, 1995/2558, 1996/2367 and 1999/2566.

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

(f) Regulation 3(1) was substituted by regulation 2(3) of S.I. 1996/2367.

(g) Regulation 4(1) was amended by regulation 2(5) of S.I. 1988/1545.

(h) Regulation 7A was inserted by regulation 19 of S.I. 1976/409 and paragraph (1) was amended by regulation 6(a) of S.I. 1987/414 and regulation 2(5) of S.I. 1988/1545.

(i) Regulation 7C was inserted by regulation 2 of S.I. 1995/2558 and paragraph (1) was amended by Part I of Schedule 2 to S.I. 1999/2566.

(j) Regulation 8B was inserted by regulation 2(6) of S.I. 1996/2367.

(b) section 2(1)(b) of the Jobseekers Act 1995 in relation to contribution-based jobseeker's allowance.

(2) For every year up to and including that in which the recipient ceased to be entitled to a bereavement benefit otherwise than by reason of remarriage or living together with a person of the opposite sex as husband and wife, the recipient shall be credited with such earnings as may be required to enable the condition referred to above to be satisfied.”.

#### **Amendment of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976**

**4.—(1)** The Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) (definitions) at the appropriate place in the alphabetical order, insert—  
““widowed parent's allowance” means an allowance referred to in section 39A of the Social Security Contributions and Benefits Act 1992;”.

(3) In regulation 2(5)(a)(ii) (which concerns “specified benefits” qualifying for the weekly rate of child benefit) after “widowed mother's allowance” where those words first occur, insert “, widowed parent's allowance”.

#### **Amendment of the Social Security (Dependency) Regulations 1977**

**5.—(1)** The Social Security Benefit (Dependency) Regulations 1977(b) shall be amended in accordance with the following paragraph of this regulation.

(2) For regulation 4B (circumstances in which a person entitled to child benefit is to be treated as if he were not so entitled)(c), substitute—

**“Circumstances in which a person entitled to child benefit is to be treated as if he were not so entitled**

**4B.—(1)** For the purposes of—

- (a) section 56 (child's special allowance);
- (b) section 77 (guardian's allowance);
- (c) section 80 (increase in benefit for beneficiary's dependent children)(d);
- (d) section 82(4) (short-term benefits—increase for adult dependents);
- (e) section 85(2) (pension increase (person with care of children));
- (f) section 90 (increase in benefits for beneficiaries under sections 68 and 70),

of the Contributions and Benefits Act, and

- (g) paragraphs 4(1) (unemployability supplement: increase for beneficiary's dependent children) and 6(1) (unemployability supplement: increase for dependent adults) of Schedule 7 to,

that Act, a person who is entitled to child benefit in respect of a child shall be treated as if he were not so entitled for the periods referred to in paragraph (2) below.

(2) The periods referred to in paragraph (1) above are—

- (a) any period throughout which—
  - (i) the person referred to in that paragraph, not being a parent of the child, does not fall to be treated as responsible for the child under section 143(1)(a) of the Contributions and Benefits Act, and
  - (ii) a parent of that child falls to be treated as responsible for the child under the said section 143(1)(a); or
- (b) any period throughout which—
  - (i) that person, not being a parent of that child, falls to be treated as responsible for the child under section 143(1)(a) of the Contributions and Benefits Act, and

(a) S.I. 1976/1267.

(b) S.I. 1977/343; the relevant amending instruments are S.I. 1980/585, 1984/1698, 1987/355, 1988/554 and 1989/523.

(c) Regulation 4B was inserted by regulation 2 of S.I. 1980/585 and amended by regulation 2(4) of S.I. 1984/1698, regulation 3 of S.I. 1987/355, regulation 3 of S.I. 1988/554 and regulation 3 of S.I. 1989/523.

(d) Section 80 was amended by section 2(4) of the Social Security (Incapacity for Work) Act 1994 (c. 18) and Schedule 3 to the Jobseekers Act 1995.

- (ii) a parent of that child also falls to be treated as responsible for the child under the said section 143(1)(a); or
  - (c) any day following the day on which that child died.
- (3) Sub-paragraph (b) of paragraph (2) shall not apply in the case of a person who is wholly or mainly maintaining the child referred to in that sub-paragraph.
- (4) For the purposes of—
- (a) section 37(1) (entitlement to a widowed mother's allowance);
  - (b) section 39A(2) (entitlement to a widowed parent's allowance);
  - (c) section 56(1)(b);
  - (d) section 77(1);
  - (e) section 80;
  - (f) section 82(4);
  - (g) section 85(2);
  - (h) section 90;
- of the Contributions and Benefits Act, and
- (i) paragraphs 4(1), 6(1) and 18(1)(a)(ii) of Schedule 7 (industrial death benefit: child of deceased's family) to,
- that Act, a person who is entitled to child benefit in respect of a child shall be treated as if he were not so entitled for any period for which that benefit is not payable by virtue of any of the provisions referred to in paragraph (5) below.
- (5) The provisions referred to in paragraph (4) above are—
- (a) regulation 7 (circumstances in which a person who has ceased to receive full-time education is to continue to be treated as a child);
  - (b) regulation 7A (exclusion from benefit of children aged 16 but under the age of 19 who are receiving advanced education);
  - (c) regulation 7B (child receiving training under the youth training scheme); or
  - (d) regulation 7C (child receiving income support),
- of the Child Benefit (General) Regulations 1976(a) or any provision contained in regulations made under section 144(1) of the Contributions and Benefits Act in so far as those regulations provide that child benefit is not to be payable by virtue of section 142(1)(b) of that Act and regulations made thereunder.”.

#### **Amendment of the Social Security (Overlapping Benefits) Regulations 1979**

6.—(1) The Social Security (Overlapping Benefits) Regulations 1979(b) shall be amended in accordance with the following provisions of this regulation.

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

““bereavement allowance” means an allowance referred to in section 39B of the Contributions and Benefits Act;

“widowed parent's allowance” means an allowance referred to in section 39A of the Contributions and Benefits Act;”.

(3) In paragraph 3 of Column (1) of Schedule 1 after “Widow's benefit”, insert “, bereavement allowance, widowed parent's allowance”.

#### **Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979**

7.—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979(c) shall be amended in accordance with the following provisions of this regulation.

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(a) S.I. 1976/965; Regulation 7 was substituted by regulation 3 of S.I. 1980/1045 and amended by regulation 2 of S.I. 1982/470; regulation 5(1) to (3) of S.I. 1987/357 and regulation 4 of S.I. 1988/1227; regulation 7A was added by regulation 2(3) of S.I. 1977/534; regulation 7B was added by regulation 2(3) of S.I. 1977/534 and substituted by regulation 5 of S.I. 1988/1227 and regulation 7C was added by regulation 2(3) of S.I. 1977/534 and substituted by regulation 2(2) of S.I. 1996/345.

(b) S.I. 1979/597.

(c) S. I. 1979/642; the relevant amending instruments are S.I. 1987/1854 and 1990/2642.

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

““bereavement allowance” means an allowance awarded in accordance with section 39B of the Social Security Contributions and Benefits Act 1992;

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

(3) In regulation 6 (benefit at reduced rates for those who do not satisfy the contribution conditions in full)(a) in—

(a) paragraph (1) after sub-paragraph (a), insert—

“(aa) widowed parent’s allowance;

(ab) bereavement allowance;”;

(b) paragraph (2) after sub-paragraph (a), insert—

“(aa) widowed parent’s allowance;”;

(c) paragraph (4)(b) after “widow’s pension”, insert “, bereavement allowance, widowed parent’s allowance”.

(4) After regulation 7 (Category B retirement pension for certain widows by virtue of husband’s contributions)(b), add—

**“Category B retirement pension for surviving spouses by virtue of deceased spouse’s contributions**

**7A.**—(1) For the purposes of entitlement of any person (“the pensioner”) to a Category B retirement pension under section 48BB of the Social Security Contributions and Benefits Act 1992 (Category B retirement pension: entitlement by reference to benefit under section 39A or 39B)(c) (“the 1992 Act”), the pensioner shall be treated as being entitled to a widowed parent’s allowance or a bereavement allowance as the case may be, if he would have been so entitled but for any one or more of the circumstances specified in paragraph (2) below.

(2) The circumstances referred to in paragraph (1) above are—

(a) the pensioner’s failure to make, or his delay in making, a claim for that widowed parent’s allowance or bereavement allowance;

(b) the operation of section 113 of the 1992 Act (disqualification and suspension)(d) or section 73 of the Social Security Administration Act 1992 (overlapping benefits)(e) or any regulations made under either of those sections, except for the operation of section 113(1)(a) of the 1992 Act (absence from Great Britain);

(c) the operation of any provision of the 1992 Act or any regulations made under the 1992 Act, disqualifying the pensioner from receipt of that widowed parent’s allowance or bereavement allowance for any period except for the operation of the said section 113(1)(a);

(d) the pensioner’s having attained pensionable age;

(e) the pensioner’s having remarried.

(3) Where this regulation applies the weekly rate of a Category B pension shall—

(a) in the case of a pensioner treated as being entitled to widowed parent’s allowance immediately before attaining pensionable age in consequence of the death of his or her spouse, be that specified in section 48BB(2) of the 1992 Act;

(b) in the case of a pensioner treated as being entitled to—

(i) widowed parent’s allowance at any time when over the age of 45 but not immediately before attaining pensionable age, or

(ii) bereavement allowance at any time prior to obtaining pensionable age,

be that specified in section 48BB(5) and (6) of the 1992 Act as the case may be.”.

(a) Regulation 6 was amended by regulation 2 of S.I. 1990/2642.

(b) Regulation 7 was amended by regulation 2(3) of S.I. 1987/1854.

(c) Section 48BB was inserted by section 56 of the Welfare Reform and Pensions Act 1999.

(d) Section 113 was amended by paragraph 66 of Schedule 7 to the Social Security Act 1998.

(e) Section 73 was amended by paragraph 49(2) of Schedule 2 to the Jobseekers Act 1995.

(5) In regulation 8(1) (which specifies who is entitled to a Category A retirement pension by virtue of the substitution of a former spouse's contribution record) for sub-paragraph (b), substitute—

- “(b) any man or woman widowed on or after attaining pensionable age, his or her former spouse, as the case may be, being under pensionable age when she or he died; and”.

#### **Amendment of the Social Security (General Benefit) Regulations 1982**

**8.—**(1) The Social Security (General Benefit) Regulations 1982(a) shall be amended in accordance with the following provisions of this regulation.

- (2) In regulation 1(2) (definitions) at the appropriate place in the alphabetical order, insert—  
 ““bereavement benefit” means a benefit referred to in section 20(1)(ea) of the Social Security Contributions and Benefits Act 1992;”.

(3) In regulation 2(2) (which provides that a person is not to be disqualified from receiving certain benefits in cases of imprisonment or detention pending criminal proceedings unless a penalty is imposed in respect of such proceedings)(b) after “widow's benefit,”, insert “bereavement benefit,”.

#### **Amendment of the Social Security (Claims and Payments) Regulations 1987**

**9.—**(1) The Social Security (Claims and Payments) Regulations 1987(c) shall be amended in accordance with the following provisions of this regulation.

- (2) In regulation 2(1) (definitions)—

- (a) at the appropriate places in the alphabetical order, insert—

““bereavement allowance” means an allowance referred to in section 39B of the Contributions and Benefits Act;

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

“Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;

“widowed parent's allowance” means an allowance referred to in section 39A of the Contributions and Benefits Act;”;

- (b) in the definition of “long-term benefits” after “a widow's pension,”, insert “widowed parent's allowance, bereavement allowance,”.

- (3) In regulation 3 (claims not required for entitlement to benefit in certain cases)—

- (a) in paragraph (a) after sub-paragraph (iii), add—

“or

(iv) bereavement benefit under Part II of the Contributions and Benefits Act;”;

- (b) in paragraph (d)—

(i) in sub-paragraph (i) after “widowed mother's allowance”, insert “or widowed parent's allowance”,

(ii) in sub-paragraph (ii) after “widow's pension”, insert “or bereavement allowance”.

(4) In regulation 19(3) (which specifies which benefits have to be claimed within the period specified in paragraph (2) of that regulation)(d) after sub-paragraph (g), insert—

“(ga) bereavement benefit;”.

(5) In Schedule 1, Part I (benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative)—

- (a) in column (1) after “Widow's benefit”(e), insert “or bereavement benefit”;

- (b) in column (2) after “Widow's benefit”, insert “or bereavement benefit”.

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(a) S.I. 1982/1408; the relevant amending instruments are S.I. 1984/1303, 1986/1561, 1991/2742, 1995/829, 1996/425 and 1996/1460.

(b) Regulation 2(2) was amended by regulation 11 of S.I. 1984/1303, regulation 7(2)(a) of S.I. 1986/1561, regulation 8(3) of S.I. 1991/2742, regulation 16 of S.I. 1995/829 and regulation 4(a) of S.I. 1996/425.

(c) S.I. 1987/1968; the relevant amending instruments are S.I. 1990/2208 and 1997/793.

(d) Regulation 19 was substituted by regulations 1(1)(c), 6 and 20(1) of S.I. 1997/793.

(e) The entry for “widow's benefit” was added by regulation 14 of S.I. 1990/2208.

- (6) In Schedule 6 (days for payment of long-term benefits)—
- (a) in paragraph 5, for sub-paragraph (b), substitute—
- “(b) where—
- (i) a woman was entitled to a widow’s benefit, or
- (ii) a man or a woman was entitled to a bereavement benefit, immediately before becoming entitled to a retirement pension, that pension shall be payable on Tuesdays;”
- (b) in paragraph 6 after “Widowed mother’s allowance” insert, “, widowed parent’s allowance, bereavement allowance”.
- (7) In Schedule 7 (manner and time of payment, effective date of change of circumstances and commencement of entitlement in income support cases)—
- (a) in paragraph 2(c) after “widow’s benefit”, insert “or bereavement benefit”;
- (b) in paragraph 4 in the definition of “relevant social security benefit”(a) after “retirement pension”, insert “, bereavement benefit”.

**Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988**

**10.—(1)** The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988(b) shall be amended in accordance with the following provisions of this regulation.

- (2) In regulation 1(2) (definitions) at the appropriate place in the alphabetical order, insert—
- ““bereavement benefit” means a benefit referred to in section 20(1)(ea) of the Contributions and Benefits Act;
- “bereavement payment” means the sum specified in Part II of Schedule 4 to the Contributions and Benefits Act and referred to in section 36 of that Act(c);”.
- (3) In regulation 8(1) (which specifies payments which can be recovered because they were not made on a prescribed date), after sub-paragraph (h)(d), insert—
- “(i) any bereavement benefit other than a bereavement payment.”.

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

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

5th June 2000

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(a) The definition of “relevant social security benefit” was amended by regulation 14(4) of S.I. 1994/2943 and regulation 2(24)(b) of S.I. 1996/1460.

(b) S.I. 1988/664; the relevant amending instrument is S.I. 1991/2742.

(c) Section 36 was substituted by section 54(1) of the Welfare Reform and Pensions Act 1999.

(d) Sub-paragraph (h) was added by regulation 15(4) of S.I. 1991/2742.

**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). This instrument is made before the end of the period of 6 months beginning with the coming into force of sections 54 to 56 of the Welfare Reform and Pensions Act 1999 (c. 30) on 9th April 2001. The Regulations are therefore exempt, by virtue of section 173(5)(b) of the Social Security Administration Act 1992 (c. 5), from reference to the Social Security Advisory Committee and have not been so referred.

These Regulations make consequential amendments 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.

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