STATUTORY INSTRUMENTS

2017 No. 422

SOCIAL SECURITY

The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017

Made - - - -	*at 9.00 a.m. on 16th March 2017*
Laid before Parliament	*at 2.00 p.m. on 16th March 2017*
Coming into force in accordance with articles 1(2), 2 and 3	

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 53 and 54(5) of the Pensions Act 2014(**1**).

Citation and commencement

1.—(1) This Order may be cited as the Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017.

(2) This Order comes into force on the day on which section 30 of the Pensions Act 2014 (bereavement support payment) comes into force for all purposes (this is subject to articles 2 and 3).

Later commencement for abolition of bereavement payment and bereavement allowance

2.—(1) This Order does not come into force in accordance with article 1(2) for a person to whom this article applies (this is subject to article 3).

(2) This article applies to a person who, on the day before the day on which section 30 of the Pensions Act 2014 comes into force for all purposes—

(a) was entitled to—

(i) a bereavement payment under section 36 of the Social Security Contributions and Benefits Act 1992 (bereavement payment)(**2**); or

(ii) a bereavement allowance under section 39B of that Act (bereavement allowance where no dependent children)(**3**); or

(**1**) 2014 c.19.
(**2**) 1992 c.4. Section 36 was substituted by section 54 of the Welfare Reform and Pensions Act 1999 (c.30) and amended by paragraph 16 of Schedule 24 to the Civil Partnership Act 2004 (c.33) and S.I.s 2014/560 and 3229 and 2016/408.
(**3**) Section 39B was inserted by section 55(2) of the Welfare Reform and Pensions Act 1999 and amended by paragraph 21 of Schedule 24 and Schedule 30 to the Civil Partnership Act 2004 and S.I.s 2014/560 and 3229.

(b) would have been entitled to such a benefit if they made a claim for it.

(3) But this article ceases to apply to a person if—

(a) they were entitled to a benefit in accordance with paragraph (2)(a) and they are no longer entitled to that benefit; or

(b) they would have been entitled to a benefit in accordance with paragraph (2)(b) and they would no longer be entitled to that benefit if they made a claim for it.

(4) On the date this article ceases to apply to a person, this Order comes into force for that person.

Commencement for entitlement to bereavement payment and bereavement support payment

3.—(1) This Order does not come into force in accordance with article 1(2) for a person to whom this article applies.

(2) This article applies to a person—

(a) whose spouse or civil partner died in the 12 months before the day on which section 30 of the Pensions Act 2014 came into force for all purposes;

(b) who would have been entitled to a bereavement payment under section 36 of the Social Security Contributions and Benefits Act 1992 if they had made a claim for it;

(c) who formed a new marriage or civil partnership; and

(d) whose new spouse or civil partner died—

(i) on or after the day on which section 30 of the Pensions Act 2014 came into force for all purposes; and

(ii) within 12 months of the death referred to in sub-paragraph (a).

(3) This Order comes into force for a person to whom this article applies—

(a) at the end of the period of 12 months starting on the day on which the death referred to in paragraph (2)(a) occurred, for the purposes of entitlement to bereavement payment for the death referred to in paragraph (2)(a); and

(b) on the day on which section 30 of the Pensions Act 2014 comes into force for all purposes, for the purposes of entitlement to bereavement support payment for the death referred to in paragraph (2)(d).

Amendment of the Social Security (Credits) Regulations 1975

4.—(1) The Social Security (Credits) Regulations 1975(**4**) are amended as follows.

(2) In regulation 2(1) (interpretation)(**5**)—

(a) omit the definitions of "bereavement allowance" and "bereavement benefit"; and

(b) in the definition of "reckonable year", omit "bereavement benefits,".

(3) In regulation 3(1)(ab) (general provisions relating to the crediting of contributions and earnings)(**6**), omit paragraph (iii) except for the "and" immediately after it.

(4) In regulation 4(1) (starting credits for the purposes of various benefits)(**7**) and in the heading to regulation 4, omit ", a bereavement allowance".

(**4**) S.I. 1975/556.
(**5**) The definitions of "bereavement allowance" and "bereavement benefit" were inserted by S.I. 2000/1483. The definition of "reckonable year" was inserted by S.I. 1996/2367 and amended by S.I.s. 2007/1749 and 2008/1554.
(**6**) Regulation 3(1) was substituted by S.I. 1996/2367 and sub-paragraph (ab) was inserted by S.I. 2009/2206.
(**7**) Regulation 4(1) was amended by S.I.s 1988/1545, 2000/1483 and 2011/709.

(5) In regulation 7A(1) (credits for carer's allowance)(**8**), for "bereavement benefit" substitute "widowed parent's allowance".

(6) In regulation 7C(1) (credits for working tax credit)(**9**), omit ", a bereavement allowance".

(7) In regulation 8C (credits on termination of bereavement benefits)(**10**), after paragraph (2) insert—

"(3) In this regulation, "bereavement benefit" means—

(a) a bereavement payment referred to in section 36 of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 8 of Schedule 16 to the Pensions Act 2014;

(b) a bereavement allowance referred to in section 39B of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014; and

(c) widowed parent's allowance.".

(8) In regulation 8E(3) (credits for the purposes of entitlement to retirement pension following official error)(**11**), after "bereavement allowance" insert "referred to in section 39B of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014".

(9) In regulation 8G(2) (credits for persons entitled to universal credit)(**12**), omit sub-paragraph (d).

(10) In regulation 9F (credits for persons providing care for a child under the age of 12)(**13**)—

(a) in paragraph (2)(b), omit "or bereavement allowance"; and

(b) omit paragraph (3)(e).

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

5.—(1) The Social Security Benefit (Persons Abroad) Regulations 1975(**14**) are amended as follows.

(2) In regulation 1(2) (interpretation)(**15**), omit the definitions of "bereavement allowance", "bereavement benefit" and "bereavement payment".

(3) In regulation 4(1) (modification of the Social Security Contributions and Benefits Act 1992)(**16**) and in the heading to regulation 4, for "bereavement benefit" substitute "widowed parent's allowance".

(4) Omit regulation 4(2B)(**17**).

(5) In regulation 5(3)(d) (application of disqualification in respect of up-rating of benefit)(**18**), for "bereavement benefit" substitute "widowed parent's allowance".

(6) In regulation 5A (rate of guaranteed minimum pension)(**19**), omit ", bereavement allowance".

(**8**) Regulation 7A was inserted by S.I. 1976/409 and paragraph (1) was amended by S.I.s 1987/414, 1988/1545, 2000/1483, 2002/490 and 2497, 2005/2877 and 2010/1160.
(**9**) Regulation 7C was inserted by S.I. 1995/2558 and paragraph (1) was amended by S.I.s 2000/1483 and 2003/455.
(**10**) Regulation 8C was inserted by S.I. 2000/1483.
(**11**) Regulation 8E was inserted by S.I. 2007/2582.
(**12**) Regulation 8G was inserted by S.I. 2013/630.
(**13**) Regulation 9F was inserted by S.I. 2011/709.
(**14**) S.I. 1975/563.
(**15**) The definitions of "bereavement allowance" and "bereavement benefit" were inserted by S.I. 2000/2876 and the definition of "bereavement payment" was inserted by S.I. 2001/2618.
(**16**) Regulation 4(1) was amended by S.I. 1992/1700, 2000/2876 (as was the heading to regulation 4) and 2005/1551.
(**17**) Paragraph (2B) was inserted by S.I. 2000/2876 and amended by S.I.s 2001/2618, 2005/2877 and 2010/788.
(**18**) Regulation 5(3)(d) was amended by S.I.s 1989/1642, 2000/2876 and 2005/2877.
(**19**) Regulation 5A was inserted by S.I. 1990/621 and amended by S.I. 2000/2876.

Amendment of the Social Security (Overlapping Benefits) Regulations 1979

6.—(1) The Social Security (Overlapping Benefits) Regulations 1979(**20**) are amended as follows.

(2) In regulation 2(1) (interpretation)(**21**), omit the definition of "bereavement allowance".

(3) In the Schedule (personal benefits which are required to be adjusted)(**22**) in paragraph 3 of column (1), omit ", bereavement 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(**23**) are amended as follows.

(2) In regulation 1(2) (interpretation)(**24**) in the definition of "bereavement allowance", insert at the end "(as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014)".

(3) In regulation 6(1) (rate of benefit where the second contribution condition is not satisfied)(**25**), omit sub-paragraph (ab).

(4) After regulation 7A (Category B retirement pension for surviving spouses and surviving civil partners)(**26**), insert—

"**Notional entitlement to Category B retirement pension for new State Pension purposes**

7B.—(1) This regulation applies for the purposes of determining whether, in accordance with paragraph 3(1)(d) of Schedule 3 to the Pensions Act 2014 (survivor's pension inherited amount: dead spouse or civil partner in old state pension scheme)(**27**), a person ("the pensioner") would have been entitled to a Category B retirement pension.

(2) The pensioner shall be treated as being entitled to bereavement support payment if the pensioner would have been so entitled but for one or both of the circumstances specified in paragraph (3).

(3) The circumstances referred to in paragraph (2) are—

(a) the pensioner's failure to make, or the pensioner's delay in making, a claim for that bereavement support payment;

(b) the operation of section 32 of the Pensions Act 2014 (bereavement support payment: prisoners) or any regulations made under that section.".

Amendment of the Social Security (General Benefit) Regulations 1982

8.—(1) The Social Security (General Benefit) Regulations 1982(**28**) are amended as follows.

(2) In regulation 1(2) (interpretation)(**29**), omit the definition of "bereavement benefit".

(**20**) S.I. 1979/597.
(**21**) The definition of "bereavement allowance" was inserted by S.I. 2000/1483.
(**22**) Paragraph 3 of column 1 was amended by S.I. 2000/1483.
(**23**) S.I. 1979/642.
(**24**) The definition of "bereavement allowance" was inserted by S.I. 2000/1483.
(**25**) Sub-paragraph (ab) was inserted by S.I. 2000/1483.
(**26**) Regulation 7A was inserted by S.I. 2000/1483 and amended by S.I. 2005/2877.
(**27**) *See* S.I. 2016/408 for transitional provisions relating to paragraph 3 of Schedule 3.
(**28**) S.I. 1982/1408.
(**29**) The definition of "bereavement benefit" was inserted by S.I. 2000/1483.

(3) In regulation 2(2) (exceptions from disqualification for imprisonment etc.)(**30**), for "bereavement benefit" substitute "widowed parent's allowance".

Amendment of the Income Support (General) Regulations 1987

9.—(1) The Income Support (General) Regulations 1987(**31**) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of "the benefits Acts"(**32**), for "Part 1 of the Pensions Act 2014" substitute "Parts 1 and 5 of the Pensions Act 2014".

(3) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)(**33**), after paragraph 79 insert—

"**80.** Any bereavement support payment under section 30 of the Pensions Act 2014 (bereavement support payment) except any such payment which is disregarded as capital under paragraph 7(1)(f) or 72 of Schedule 10.".

(4) In Schedule 10 (capital to be disregarded)(**34**)—

(a) in paragraph 7(1), after paragraph (e) insert—

"(f) bereavement support payment under section 30 of the Pensions Act 2014,"; and

(b) after paragraph 71, insert—

"**72.** Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment)(**35**), but only for a period of 52 weeks from the date of receipt of the payment.".

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

10.—(1) The Social Security (Claims and Payments) Regulations 1987(**36**) are amended as follows.

(2) In regulation 2 (interpretation)(**37**)—

(a) in paragraph (1)—

(i) for the definitions of "bereavement allowance" and "bereavement benefit" substitute —

""bereavement benefit" means—

(a) a bereavement payment referred to in section 36 of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 8 of Schedule 16 to the Pensions Act 2014;

(b) a bereavement allowance referred to in section 39B of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014; and

(**30**) The words "bereavement benefit" were inserted into regulation 2 by S.I. 2000/1483.
(**31**) S.I. 1987/1967.
(**32**) The definition of "the benefits Acts" was inserted by S.I. 1996/206 and amended by S.I.s 2008/1554, 2013/388 and 2015/1985.
(**33**) Paragraph 79 of Schedule 9 was inserted by S.I. 2014/2103.
(**34**) Paragraph 7(1) of Schedule 10 was numbered as paragraph 7(1) by S.I. 2002/2380 and paragraph 7(1)(e) was inserted by S.I. 2013/630. Paragraph 71 of Schedule 10 was inserted by S.I. 2014/2103.
(**35**) S.I. 2017/410.
(**36**) S.I. 1987/1968. Those Regulations were revoked by S.I. 2003/492 for the purposes of child benefit and guardian's allowance.
(**37**) The definitions of "bereavement allowance" and "bereavement benefits" were inserted by S.I. 2000/1483. The words "bereavement allowance" were inserted into the definition of "long-term benefits" by S.I. 2000/1483. The definition of "working age benefit" was inserted by S.I. 2009/3229.