Draft Regulations laid before Parliament under section 54(2)(a) of the Pensions Act 2014, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2017 No.

SOCIAL SECURITY

The Bereavement Support Payment Regulations 2017

Made - - - -

Coming into force in accordance with regulation 1(2)

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 30(1)(c), (2), (3), (4)(a) and (7), 32(1) and (3) and 54(5) and (6) of the Pensions Act 2014(**1**).

These Regulations have not been referred to the Social Security Advisory Committee because they are made before the end of the period of six months beginning with the coming into force of the provisions of the Pensions Act 2014 under which they are made(**2**).

A draft of these Regulations has been laid before Parliament in accordance with section 54(2)(a) of the Pensions Act 2014 and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Bereavement Support Payment Regulations 2017.

(2) These Regulations come into force on the day on which section 30 of the Pensions Act 2014 (bereavement support payment) comes into force for all purposes.

Period for which bereavement support payment is payable

2.—(1) The period for which bereavement support payment is payable is as follows.

(2) The period starts—

(a) on the date the person's spouse or civil partner died, where the person claims the payment three months or less after that date; or

(b) at the beginning of the period of three months preceding the date the person claims the payment, where the person claims the payment—

(i) more than three months after the date the person's spouse or civil partner died; and

(ii) no more than three months after the date the period finishes under paragraph (3).

(**1**) 2014 c.19.

(**2**) *See* section 173(5) of the Social Security Administration Act 1992 (c.5).

(3) The period finishes at the end of the period of 18 months beginning with the day after the date the person's spouse or civil partner died.

Rate of bereavement support payment

3.—(1) The higher rate of bereavement support payment is £350 for each monthly recurrence of the day of the month on which the person's spouse or civil partner died during the period for which bereavement support payment is payable (see regulation 2).

(2) Where the person claims bereavement support payment 12 months or less after the date their spouse or civil partner died, the higher rate of bereavement support payment is £3,500 for the first month of the period for which bereavement support payment is payable.

(3) Any higher rate mentioned in paragraph (2) is in addition to any higher rate mentioned in paragraph (1).

(4) The standard rate of bereavement support payment is £100 for each monthly recurrence of the day of the month on which the person's spouse or civil partner died during the period for which bereavement support payment is payable.

(5) Where the person claims bereavement support payment 12 months or less after the date their spouse or civil partner died, the standard rate of bereavement support payment is £2,500 for the first month of the period for which bereavement support payment is payable.

(6) Any standard rate mentioned in paragraph (5) is in addition to any standard rate mentioned in paragraph (4).

(7) Where a person's spouse or civil partner died on the 31st day of a month, the monthly recurrence of the day of death is to be treated for the purposes of paragraphs (1) and (4) as falling on the last day of the month.

(8) Where a person's spouse or civil partner died on the 29th or 30th day of a month, the monthly recurrence of the day of death in February is to be treated for those purposes as falling on the last day of February.

Persons entitled to the higher rate of bereavement support payment

4.—(1) A person falling within any of paragraphs (2) to (4) is entitled to the higher rate of bereavement support payment under regulation 3(1) to (3).

(2) A person who was pregnant when their spouse or civil partner died.

(3) A person who was entitled to child benefit under section 141 of the Social Security Contributions and Benefits Act 1992 (child benefit)(**3**) when their spouse or civil partner died.

(4) A person who, after their spouse or civil partner died, becomes entitled to child benefit under section 141 of that Act for a child or qualifying young person who was residing with the person or their deceased spouse or civil partner immediately before the spouse or civil partner died.

(5) Paragraph (4) applies to a person whether or not they later cease to be entitled to child benefit for that child or qualifying young person.

(6) In this regulation, "child" and "qualifying young person" have the same meaning as in section 142 of the Social Security Contributions and Benefits Act 1992 (definitions of "child" and "qualifying young person")(**4**).

(**3**) 1992 c.4. Section 141 was amended by section 1 of the Child Benefit Act 2005 (c.6).
(**4**) Section 142 was substituted by section 1 of the Child Benefit Act 2005.