STATUTORY RULES OF NORTHERN IRELAND

2000 No. 260

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Bereavement Benefits Amendment) Regulations (Northern Ireland) 2000

Made - - - -	*18th August 2000*
Coming into operation	*9th April 2001*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 123(1)(e), 131(1), 132(4)(b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and Article 14(4)(b) of the Jobseekers (Northern Ireland) Order 1995(**2**) and now vested in it(**3**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**4**) in so far as regulation 4 and regulation 5, in so far as it relates to regulation 4, are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those regulations should not be referred to it(**5**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Bereavement Benefits Amendment) Regulations (Northern Ireland) 2000 and subject to paragraphs (2) and (3) shall come into operation on 9th April 2001.

(2) Regulation 2(4) shall, in relation to any particular claimant for income support, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph, "benefit week"(**6**) and "claimant" shall have the same meanings as in regulation 2(1) of the Income Support Regulations.

(3) Regulation 3(3) shall, in relation to any particular claimant for a jobseeker's allowance, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April

(**1**) 1992 c. 7
(**2**) S.I. 1995/2705 (N.I. 15)
(**3**) *See* Article 8(b) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)
(**4**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); consent function transferred from the Department of the Environment for Northern Ireland to the Department of Finance and Personnel; *see* Article 6(b) of, and Part II of Schedule 4 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999
(**5**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
(**6**) The definition of "benefit week" was amended by regulation 2(*a*) of S.R. 1988 No. 318

2001 and in this paragraph, "benefit week"(**7**) shall have the same meaning as in regulation 1(2) of the Jobseeker's Allowance Regulations.

(4) In these Regulations—

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**8**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**9**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**10**).

(5) The Interpretation Act (Northern Ireland) 1954(**11**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support Regulations

2.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In Schedule 1B(**12**) (prescribed categories of person) after paragraph 16 there shall be inserted the following paragraph—

"**Certain persons aged between 55 and 60 whose spouse has died**

16A. A person—

(a) who had, as at 9th April 2001, attained the age of 55 but not the age of 60;

(b) whose spouse died during the period beginning on and including 9th April 2001 and ending on 9th April 2006, and

(c) who is claiming income support as a single claimant.".

(3) In Schedule 2 (applicable amounts)—

(a) in paragraph 4(**13**) (premiums) for "paragraphs 9 to 14ZA" there shall be substituted "paragraphs 8A to 14ZA";

(b) immediately before paragraph 9 there shall be inserted the following paragraph—

"**Bereavement Premium**

8A.—(1) Subject to sub-paragraphs (2) and (3), the condition is that the claimant—

(a) had, as at 9th April 2001, attained the age of 55 but not the age of 60;

(**7**) The definition of "benefit week" was amended by regulation 2(2) of S.R. 1996 No. 358 and regulation 2(2)(*a*) of S.R. 1996 No. 503

(**8**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 Nos. 305 and 345, S.R. 1996 No. 93, S.R. 1997 No. 4 and S.R. 1998 No. 81

(**9**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1995 No. 410 and S.R. 1996 Nos. 199 and 288

(**10**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 288, 358 and 503

(**11**) 1954 c. 33 (N.I.)

(**12**) Schedule 1B was inserted by regulation 22 of, and Schedule 1 to, S.R. 1996 No. 199

(**13**) Paragraph 4 was amended by regulation 18 of S.R. 1988 No. 318 and regulation 5(4)(*b*)(i) of S.R. 1996 No. 288

(b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B of the Contributions and Benefits Act(**14**) in respect of the death of a spouse who died on or after 9th April 2001, and

(c) is claiming income support as a single claimant.

(2) A premium under sub-paragraph (1) shall not be applicable in respect of a claimant who claims income support more than 8 weeks after the last day on which he was entitled to a bereavement allowance.

(3) Where a claimant to whom a premium under sub-paragraph (1) is applicable, ceases to be entitled to income support or to be a single claimant, a premium under sub-paragraph (1) shall only again be applicable to that claimant where he claims income support as a single claimant no more than 8 weeks after the date on which he ceased to be entitled to income support or to an income-based jobseeker's allowance or, as the case may be, to be a single claimant.";

(c) immediately before sub-paragraph (2) in the table in paragraph 15 (weekly amounts of premiums specified in Part III) there shall be inserted the following sub-paragraph respectively in each column—

"(1A) Bereavement Premium.	(1A) £15·30.".

(4) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) after paragraph 16(*f*)(**15**) there shall be added the following sub-paragraphs—

"(g) any widowed mother's allowance paid pursuant to section 37 of the Contributions and Benefits Act;

(h) any widowed parent's allowance paid pursuant to section 39A of the Contributions and Benefits Act(**16**).".

Amendment of the Jobseeker's Allowance Regulations

3.—(1) The Jobseeker's Allowance Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In Schedule 1 (applicable amounts)—

(a) in paragraph 5(**17**) (premiums) for "paragraphs 10 to 17" there shall be substituted "paragraphs 9A to 17";

(b) immediately before paragraph 10 there shall be inserted the following paragraph—

"**Bereavement Premium**

9A.—(1) Subject to sub-paragraphs (2) and (3), the condition is that the claimant—

(a) had, as at 9th April 2001, attained the age of 55 but not the age of 60;

(b) was in receipt of, but is no longer entitled to, a bereavement allowance under section 39B of the Benefits Act in respect of the death of a spouse who died on or after 9th April 2001, and

(**14**) Section 39B is inserted by Article 52(2) of S.I. 1999/3147 (N.I. 11) which is commenced from 9th April 2001 by Article 2(3)(*a*) of the Welfare Reform and Pensions (1999 Order) (Commencement No. 3) Order (Northern Ireland) 2000 (S.R. 2000 No. 133 (C. 5))

(**15**) Paragraph 16 was substituted by regulation 5(3) of S.R. 1995 No. 410

(**16**) Section 39A is inserted by Article 52(2) of S.I. 1999/3147 (N.I. 11)

(**17**) Paragraph 5 was amended by regulation 9(4)(*b*)(i) of S.R. 1996 No. 288