Chapter 59 – Bereavement Support Payment

Contents

Introduction 59001

Marriage 59004

Remarriage, forming a civil partnership or living together as husband and wife 59007

Conditions of entitlement 59011

Contribution condition 59012

People not entitled to Bereavement Support Payment 59016

Period and rate of Bereavement Support Payment

Rate of Bereavement Support Payment 59031

- Higher rate 59032
- Standard rate 59036

Entitlement to the higher rate of Bereavement Support Payment 59051

- Meaning of child 59052
- Meaning of qualifying young person 59053

Entitlement to standard rate of Bereavement Support Payment 59056

Period of Bereavement Support Payment

- Start of the period 59071
- End of the period 59072

Prisoners 59081

Legislation used in Chapter 59

Abbreviation	Full Title
BSP (No. 2) Regs (NI)	Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2018 No 166
CHB (Gen) Regs	Child Benefit (General) Regulations 2006 No 223
Marr & CP (Scot) Act 14	Marriage and Civil Partnership (Scotland) Act 2014
Marr & CP (Scot) Act 2014 and CP Act 2004 (Conseq Provs and Mods) Order 2014	Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 No 3229
Marr & CP (NI) Regs 2019	Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 No 1514
Marr (SSC) Act 13	Marriage (Same Sex Couples) Act 2013
Pens Act (NI) 15	Pensions Act (Northern Ireland) 2015
Pens (NI) Order 95	Pensions (Northern Ireland) Order 1995 No 3213
Pens (2015 Act) (Comm No. 5) Order (NI) 17	Pensions (2015 Act) (Commencement No. 5) Order (Northern Ireland) 2017 No 44
SS A (NI) Act 92	Social Security Administration (Northern Ireland) Act 1992
SS C&B (NI) Act 92	Social Security (Contributions and Benefits) (Northern Ireland) Act 1992

Chapter 59 – Bereavement Support Payment

Introduction

59001 **[See DMG Memo Vol 1/127, 5/120, 9/55, 10/82 & 14/76]** This Chapter gives guidance on Bereavement Support Payment, which is introduced on 6.4.17[1] for people whose spouse or civil partner dies on or after that date.

1 Pens (2015 Act) (Comm No. 5) Order (NI) 17, art 2; BSP (No. 2) Regs (NI), reg 1

59002 A person whose

1. spouse dies on or after 9.4.01 **or**

2. civil partner dies on or after 5.12.05

but before 6.4.17 can claim Bereavement Benefit (see DMG Chapter 63). Also, people already receiving Bereavement Benefit on 5.4.17 can continue to receive it for as long as the qualifying conditions apply. A person who continues to receive Bereavement Benefit after 5.4.17 can also get Bereavement Support Payment if their second spouse/civil partner dies on or after 6.4.17.

Note: See DMG Chapter 58 for guidance where the death was before 9.4.01.

59003 In addition to the guidance in this chapter, for guidance on

1. decision making - see DMG Chapter 01

2. claims and payments, the time limits for claiming and the requirement to provide a national insurance number and death difficult to establish - see DMG Chapter 02

3. revision - see DMG Chapter 03

4. supersession - see DMG Chapter 04

5. absence from Northern Ireland - see DMG Chapter 07

6. time and manner of payment - see DMG Chapter 08

7. marriage, death and presumption of death - see DMG Chapter 10

8. overlapping benefits - see DMG Chapter 17

9. forfeiture - see DMG Chapter 76.

Marriage

59004 Throughout this Chapter, unless the context otherwise requires, references to

1. marriage includes marriage of a same sex couple

2. a married couple includes a married same sex couple

3. a person who is married includes a person who is married to a person of the same sex[1].

This also applies, for example, to a marriage that has ended or a person whose marriage has ended[2].

1 Marr & CP (NI) Regs 2019, reg 7(1); 2 reg 7(2)

59005 For the purpose of DMG 59004, unless the context otherwise requires, it does not matter how a reference is expressed[1]. Therefore, for example, a reference to

1. husband includes a man who is married to another man

2. wife includes a woman who is married to another woman

3. widower includes a man whose marriage to another man ended when the other man died

4. widow includes a woman whose marriage to another woman ended when the other woman died.

Note: For the avoidance of doubt, in a marriage between a man and a woman, the terms husband and wife are to be applied as appropriate to the sex.

1 Marr & CP (NI) Regs 2019, reg 7(3)

59006 Same sex couples can marry

1. in England and Wales from 29.3.14[1]

2. in Scotland from 16.12.14[2]

3. in Northern Ireland from 13.1.20[3].

In England and Wales, before 29.3.14[3] and in Scotland, before 16.12.14[4], a marriage of a same sex couple under the law of England and Wales or Scotland was treated as a civil partnership formed under the law of England and Wales or Scotland. Therefore, between 29.3.14 (for England and Wales) or 16.12.14 (for Scotland) and 13.1.20, the spouses were treated as civil partners.

1 Marr (SSC) Act 13; 2 Marr & CP (Scot) Act 14; 3 Marr & CP (NI) Regs 2019; Marriage (SSC) Act 13, Sch 2, Part 1, para 2; 4 Marr & CP (Scot) Act 2014 and CP Act 2004 (Conseq Provs and Mods) Order 2014

Remarriage, forming a civil partnership or living together as husband and wife

59007 Unlike Widow's Benefit and Bereavement Benefit, a person will continue to receive Bereavement Support Payment if they

1. remarry **or**

2. form a civil partnership **or**

3. start living together as if spouses.

59008 – 59010

Conditions of entitlement

59011 **[See DMG Memo Vol 1/127, 5/120, 9/55, 10/82 & 14/76]** A person whose spouse or civil partner dies[1] on or after 6.4.17 will be entitled to Bereavement Support Payment if

1. they are under pensionable age[2] when their spouse or civil partner dies[3] **and**

2. they are ordinarily resident

2.1 in Northern Ireland **or**

2.2 any of the Channel Islands where UK law has not been amended as far as is necessary to give effect to the provisions of an agreement[4]

when their spouse or civil partner dies[5] **and**

3. the contribution condition is satisfied[6] (see DMG 59012).

Note 1: See DMG Chapter 74 for guidance on pensionable age.

Note 2: See DMG Chapter 07 for guidance on ordinarily residence and the Channel Islands.

1 Pens Act (NI) 15, sec 29(1)(a); 2 Pens (NI) Order 95, Sch 2, Part 1, para 1;
3 Pens Act (NI) 15, sec 29(1)(b); 4 BSP (No. 2) Regs (NI), reg 8; SS A (NI) Act 92, sec 155;
5 Pens Act (NI) 15, sec 29(1)(c); 6 sec 29(1)(d)

Contribution condition

59012 **[See DMG Memo Vol 10/90] [See DMG Memo Vol 10/91]** For the purpose of DMG 59011 **3.**, the contribution condition is satisfied if, for at least one tax year during the deceased's working life

1. they actually paid Class 1 or Class 2 national insurance contributions[1] **and**

2. their earnings factor was at least 25 times the lower earnings limit for the year[2].

1 Pens Act (NI) 15, sec 30(1)(a); 2 sec 30(1)(b)

Note: The easement at DMG 75031 does **not** apply to Bereavement Support Payment.

59013 The contribution condition is treated as being satisfied if the deceased

1. was an employed earner[1] **and**

2. died as the result of

2.1 an industrial accident[2] **or**

2.2 a prescribed disease[3].

1 Pens Act (NI) 15, sec 30(3); 2 sec 30(3)(a); SS C&B (NI) Act 92, sec 94(1);
3 Pens Act (NI) 15, sec 30(3)(b); SS C&B (NI) Act 92, sec 108(1)

59014 – 59015

People not entitled to Bereavement Support Payment

59016 There is no entitlement to Bereavement Support Payment once a person has reached pensionable age[1].

Note: See DMG Chapter 74 for guidance on pensionable age.

1 Pens Act (NI) 15, sec 29(5)

Example

Ken's spouse Audrey dies on 3.11.17 and he is entitled to Bereavement Support Payment. Ken reaches pensionable age on 12.1.18. He has no entitlement to Bereavement Support Payment from that date.

59017 There is no entitlement to Bereavement Support Payment if the deceased died before 6.4.17[1].

1 Pens Act (NI) 15, sec 29(6)

59018 – 59030

Period and rate of Bereavement Support Payment

Rate of Bereavement Support Payment

59031 There are two rates of Bereavement Support Payment; the higher rate and the standard rate.

Higher rate

59032 **[See DMG Memo Vol 1/127, 5/120, 9/55, 10/82 & 14/76]** Unless DMG 59033 applies, the higher rate of Bereavement Support Payment is £350 for each monthly recurrence of the day of the month on which the spouse or civil partner died during the period for which Bereavement Support Payment is payable[1].

Note 1: Where the spouse or civil partner died on 31st of a month, the monthly recurrence of the day of death is treated as being the last day of the month[2].

Note 2: Where the spouse or civil partner died on 29th or 30th of a month, the monthly recurrence of the day of death in February is treated as being the last day of that month[3].

1 BSP (No. 2) Regs (NI), reg 3(1); 2 reg 3(7); 3 reg 3(8)

Example

Anne's spouse Graham dies on 31.10.17. Anne's first four monthly recurrences are 30.11.17, 31.12.17, 31.1.18 and 28.2.18.

59033 Where the Bereavement Support Payment claim is made 12 months or less after the spouse or civil partner died, the higher rate of Bereavement Support Payment is £3,500 for the first month of the period for which it is payable[1].

1 BSP (No. 2) Regs (NI), reg 3(2)

Note: Where the Bereavement Support Payment claim is made more than 12 months after the spouse or civil partner dies, the only payments are £350 monthly in accordance with DMG 59032.

59034 Where DMG 59033 applies, that rate for the first month is in addition to the amount in accordance with DMG 59032[1]. However, the payments can be made separately.

1 BSP (No. 2) Regs (NI), reg 3(3)

Example 1

Nicola's spouse Harvey dies on 7.10.17. She claims Bereavement Support Payment on 22.12.17 and is entitled to the higher rate. Nicola receives £3,500 as a separate payment and then £350 for each monthly recurrence of the date of death in her

Bereavement Support Payment period (7.11.17, 7.12.17, 7.1.18 et seq). (See DMG 59071 et seq for guidance on Bereavement Support Payment period.)

Example 2

Peter's spouse Sue dies on 5.5.17. He claims Bereavement Support Payment on 27.5.18 and is entitled to the higher rate. Peter receives £350 for each monthly recurrence of the date of death in his Bereavement Support Payment period (5.3.18, 5.4.18, 5.5.18 et seq). (See DMG 59071 et seq for guidance on Bereavement Support Payment period.)

59035

Standard rate

59036 Unless DMG 59037 applies, the standard rate of Bereavement Support Payment is £100 for each monthly recurrence of the day of the month on which the spouse or civil partner died during the period for which Bereavement Support Payment is payable[1].

1 BSP (No. 2) Regs (NI), reg 3(4)

Note: See DMG 59032 for guidance on monthly recurrence where the spouse or partner died on 31st of a month and, for February only, 29th or 30th of a month.

59037 Where the Bereavement Support Payment claim is made 12 months or less after the spouse or civil partner died, the standard rate of Bereavement Support Payment is £2,500 for the first month of the period for which it is payable[1].

1 BSP (No. 2) Regs (NI), reg 3(5)

Note: Where the Bereavement Support Payment claim is made more than 12 months after the spouse or civil partner dies, the only payments are £100 monthly in accordance with DMG 59036.

59038 Where DMG 59037 applies, that rate for the first month is in addition to the amount in accordance with DMG 59036[1]. However, the payments can be made separately.

1 BSP (No. 2) Regs (NI), reg 3(6)

Example 1

Ikbal's spouse Mahira dies on 21.4.17. He claims Bereavement Support Payment on 28.4.17 and is entitled to the standard rate. Ikbal receives £2,500 as a separate payment and then £100 for each monthly recurrence of the date of death in his Bereavement Support Payment period (21.5.17, 21.6.17, 21.7.17 et seq). (See DMG 59071 et seq for guidance on Bereavement Support Payment period.)

Example 2

Vicki's spouse Sean dies on 1.7.17. She claims Bereavement Support Payment on 3.9.18 and is entitled to the standard rate. Vicki receives £100 for each monthly recurrence of the date of death in her Bereavement Support Payment period (1.8.18, 1.9.18, 1.10.18 et seq). (See DMG 59071 et seq for guidance on Bereavement Support Payment period.)

59039 – 59050

Entitlement to the higher rate of Bereavement Support Payment

59051 **[See DMG Memo Vol 1/127, 5/120, 9/55, 10/82 & 14/76]** A person is entitled to the higher rate of Bereavement Support Payment as in DMG 59032 - 59034 if

1. they were pregnant when their spouse or civil partner died[1] **or**

2. they were entitled to Child Benefit[2] when their spouse or civil partner died[3] **or**

3. after the spouse or civil partner died, they become entitled to Child Benefit[4] for a child or qualifying young person who was living with

3.1 that person **or**

3.2 the deceased spouse or civil partner

immediately before the spouse or civil partner died[5].

Note 1: 1. applies even if a woman is pregnant with a child by someone other than her deceased spouse. It can also apply where a woman is pregnant through In Vitro Fertilisation before the death of the spouse or civil partner. It does **not** apply where In Vitro Fertilisation was carried out posthumously. Also, it does **not** apply where a couple were having a child using a surrogate.

Note 2: For the purposes of **2.**, a person is entitled to Child Benefit in respect of any week in which they are responsible for one or more children or qualifying young persons[6]. A week is a period of 7 days beginning with a Monday[7].

Note 3: 3. applies whether or not a person is no longer entitled to Child Benefit for that child or qualifying young person[8].

Note 4: See DMG 59052 for guidance on the meaning of child and DMG 59053 for guidance on the meaning of qualifying young person.

1 BSP (No. 2) Regs (NI), reg 4(2); 2 SS C&B (NI) Act 92, sec 137; 3 BSP (No. 2) Regs (NI), reg 4(3); 4 SS C&B (NI) Act 92, sec 137; 5 BSP (No. 2) Regs (NI), reg 4(4); 6 SS C&B (NI) Act 92, sec 137; 7 sec 143(1); 8 BSP (No. 2) Regs (NI), reg 4(5)

Example 1

Florence's spouse Fred dies and she claims Bereavement Support Payment. Florence is entitled to Child Benefit for her son Tom who was living with Fred and her immediately before Fred dies. The decision maker decides that Florence is entitled to the higher rate of Bereavement Support Payment.

Example 2

Mark's spouse Sandra dies and he claims Bereavement Support Payment. They did not have any children. The decision maker decides that Mark is not entitled to the higher rate of Bereavement Support Payment. Instead Mark will be entitled to the standard rate (see DMG 59056).

Example 3

Rose's spouse Christian dies and she claims Bereavement Support Payment. Although Rose's daughter Daisy lived with her when Christian died, she was not entitled to Child Benefit when she claimed Bereavement Support Payment. The decision maker decides Rose is entitled to Bereavement Support Payment at the standard rate. Two months later Rose notifies the decision maker that she has been awarded Child Benefit. The decision maker revises the original decision and decides that Rose is entitled to the higher rate of Bereavement Support Payment from her date of entitlement to Bereavement Support Payment.

Example 4

Steve's spouse Annie dies and he claims Bereavement Support Payment. Although Steve's son Arthur lived with him when Annie died, he was not entitled to Child Benefit when he claimed Bereavement Support Payment. The decision maker decides he is entitled to Bereavement Support Payment at the standard rate. Four months later Steve notifies the decision maker that he has been awarded Child Benefit from a date after Annie died. The decision maker supersedes the original decision and decides that Steve is entitled to the higher rate of Bereavement Support Payment from the date of his entitlement to Child Benefit.

Example 5

Lisa's spouse Paul and only child John die in an accident on 10.11.17 and she claims Bereavement Support Payment. Lisa is entitled to Child Benefit for week commencing 16.11.17. The decision maker decides that Lisa is entitled to the higher rate of Bereavement Support Payment because she was entitled to Child Benefit when Paul died.

Meaning of child

59052 A child is a person who has not reached age 16[1].

1 BSP (No. 2) Regs (NI), reg 4(6); SS C&B (NI) Act 92, sec 138(1)

Meaning of qualifying young person

59053 A qualifying young person[1] is a person, other than a child, who

1. has not reached a prescribed age[2] which is

1.1 age 17[3] **or**

1.2 age 18[4] **or**

1.3 age 20[5] **and**

2. satisfies other conditions[6].

Note: See DMG Chapter 20 for full guidance on the meaning of qualifying young person.

1 BSP (No. 2) Regs (NI), reg 4(5); 2 SS C&B (NI) Act 92, 138(2)(a); 3 CHB (Gen) Regs, reg 4(1); 4 reg 5(1); 5 reg 3(1), 6(1), 7(1) & 8(1); 6 SS C&B (NI) Act 92, sec 138(2)(b)

59054 – 59055

Entitlement to the standard rate of Bereavement Support Payment

59056 A person who is not entitled to the higher rate of Bereavement Support Payment in accordance with DMG 59051 is entitled to the standard rate[1].

Note: This includes where a couple were having a child using a surrogate.

1 BSP (No. 2) Regs (NI), reg 5

59057 – 59070

Period of Bereavement Support Payment

Start of the period

59071 **[See DMG Memo Vol 1/127, 5/120, 9/55, 10/82 & 14/76]** The start of the period for which Bereavement Support Payment is payable depends on when the claim is made. The period starts

1. on the date the spouse or civil partner died where the Bereavement Support Payment claim is made 3 months or less after the date of death[1] **or**

2. at the beginning of the period of 3 months before the date of the Bereavement Support Payment claim where the Bereavement Support Payment claim is made

2.1 more than 3 months after the date the spouse or civil partner died[2] **and**

2.2 no more than 3 months after the end of the period in DMG 59072[3].

Note: See DMG Chapter 08 for full guidance on time and manner of payments for Bereavement Support Payment.

1 BSP (No. 2) Regs (NI), reg 2(2)(a); 2 reg 2(2)(b)(i); 3 reg 2(2)(b)(ii)

Example 1

Carol's spouse Terry dies on 1.8.17. Carol claims Bereavement Support Payment on 18.10.17. Carol's Bereavement Support Payment period starts on 1.8.17.

Example 2

Adam's civil partner Ivan dies on 14.5.17. Adam claims Bereavement Support Payment on 6.9.17. Adam's Bereavement Support Payment period starts on 6.6.17.

Example 3

Bridget's spouse Cecilia dies on 21.4.17. Bridget claims Bereavement Support Payment on 1.12.18. Bridget's Bereavement Support Payment period starts on 1.9.18.

End of the period

59072 **[See DMG Memo Vol 1/127, 5/120, 9/55, 10/82 & 14/76]** The end of the period for which Bereavement Support Payment is payable is 18 months beginning with the day after the date on which the spouse or civil partner died[1].

Note: The period will be reduced if the claimant reaches pensionable age before it ends (see DMG 59016).

1 BSP (No. 2) Regs (NI), reg 2(3)

Example 1

See Example 1 at DMG 59071. Carol's Bereavement Support Payment period ends on 1.2.19.

Example 2

See Example 2 at DMG 59071. Adam's Bereavement Support Payment period ends on 14.11.18.

Example 3

See Example 3 at DMG 59071. Bridget's Bereavement Support Payment period ends on 21.10.18.

59073 – 59080

Prisoners

59081 See DMG Chapter 12 for guidance on prisoners.

59082 – 59999

The content of the examples in this document (including use of imagery) is for illustrative purposes only.