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9/35, 10/73, 12/23, 13/69 & 14/63

 bereavement support payment - consequential amendments

 Contents Paragraphs

 Introduction 1

 Background 2

 Transitional provisions 3 - 6

 Benefits for which a claim is not required 7 - 9

 Claims at alternative offices 10

 Claims made by telephone 11

 Claims made electronically 12

 Time for claiming 13 - 15

 Use of information provided to a local authority 16

 Notification of a change of circumstances
 electronically 17

 Claims in the addition or alternative 18

 Revision 19 - 20

 Payment of Bereavement Support Payment

 Definition of long term benefit 21

 Definition of working age benefit 22

 Widowed Mother’s Allowance, Widowed
 Parent’s Allowance, Bereavement

 Allowance and Widow’s Pension pay day 23

 Day payment starts and date of change in
 the amount of benefit 24

 Termination of award 25

 Abatements - prescribed payments 26

 Imprisonment - exceptions to the

 disqualification provisions 27

 Overlapping benefits - adjustment of personal

 Act benefits by personal industrial injuries and

 non-Act benefits 28

 Income Support, Jobseeker’s Allowance, State
 Pension Credit and Employment and Support

 Allowance

 Unearned income disregard 29

 Capital disregard 30 - 31

 Payment questions - Jobseeker’s Allowance 32

 and Income Support

 Social Fund 33

 Part week payment - Employment and Support

 Allowance 34

 Bereavement Benefit

 Bereavement Payment 35

 Widowed Parents Allowance 36

 Bereavement Allowance 37

 State Pension

 Inherited amount 38 - 39

 Survivor's choice of inherited lump sum or
 State Pension 40

 Inherited deferral amount 41

 Forfeiture (Northern Ireland) Order 1982 42

 Annotations

 Contacts

 introduction

1. This memo gives guidance on changes to decision making and appeals, subjects common to all benefits and Social Security benefits, as a result of the introduction of Bereavement Support Payment. The changes are introduced by

 **1.** the Pensions Act (Northern Ireland) 2015 - (Pensions Act (NI) 15) **and**

 **2.** the Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (Northern Ireland) 2017 - (Pensions (2015 Act) (Conseq, Supp & Incidental Amdts) Order (NI) 2017) (SR 2017 No. 66) **and**

 **3.** the Pensions (2015 Act) (Commencement No. 5) Order (Northern Ireland) 2017 - (Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017) (SR 2017 No. 44).

 The changes come into operation on 6.4.171.

1 Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017;
Pensions (2015 Act) (Conseq, Supp & Incidental Amdts) Order (NI) 2017, art 1(c)

 background

2 Bereavement Support Payment is being introduced for people whose spouse or civil partner dies on or after 6.4.17. It is replacing Bereavement Benefit for such people. However, people whose spouse or civil partner died before 6.4.17 will have to make a claim for Bereavement Benefit, even if it is made on or after that date. How the introduction of Bereavement Support Payment affects changes to decision making and appeals, subjects common to all benefits and other Social Security benefits is described in paragraphs 3 - 42 below.

 **Note:** See DMG Chapter 59 for guidance on Bereavement Support Payment and DMG Chapter 63 for guidance on Bereavement Benefit. See also DMG Chapter 58 for guidance on Widow’s Benefit where the death occurred before 9.4.01.

 Transitional provisions

3 The guidance at paragraphs 7 - 42 below will not apply1 where a person

 **1.** is entitled to Bereavement Payment2 or Bereavement Allowance3 on 5.4.174 **or**

 **2.** would be entitled to Bereavement Payment or Bereavement Allowance on 5.4.17 if they made a claim for it5.

1 Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017, art 3(2); Pensions (2015 Act) (Conseq, Supp &
Incidental Amdts) Order (NI) 2017, art 2(1); 2 SS C&B (NI) Act 92, sec 36; Pensions (2015 Act) (Comm. No. 5)
Order (NI) 2017, art 3(2)(a)(i); Pensions (2015 Act) (Conseq, Supp & Incidental Amdts) Order (NI) 2017, art 2(2)(a)(i);
3 SS C&B (NI) Act 92, sec 39B; Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017, art 3(2)(a)(ii);
Pensions (2015 Act) (Conseq, Supp & Incidental Amdts) Order (NI) 2017, art 2(2)(a)(ii); 4 Pensions (2015 Act)
(Comm. No. 5) Order (NI) 2017, art 3(2); Pensions (2015 Act) (Conseq, Supp & Incidental Amdts) Order (NI) 2017,
art 2(2); 5 Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017, art 3(2)(a) & (b); Pensions (2015 Act) (Conseq,
Supp & Incidental Amdts) Order (NI) 2017, art 2(2)(b)

4 Paragraph 3 above will cease to apply if a person

 **1.** is no longer entitled to Bereavement Payment or Bereavement Allowance1 **and**

 **2.** would no longer be entitled to Bereavement Payment or Bereavement Allowance if they made a claim for it2.

 **Note:** When this applies, a person may be entitled to Bereavement Support Payment subsequently3 (for example if they remarry and that spouse dies).

*1 Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017, art 3(3); Pensions (2015 Act) (Conseq, Supp &
Incidental Amdts) Order (NI) 2017, art 2(3)(a); 2 Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017, art 3(3);
Pensions (2015 Act) (Conseq, Supp & Incidental Amdts) Order (NI) 2017, art 2(3)(b);
3 Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017, art 2(3)(b); Pensions (2015 Act) (Conseq, Supp &
Incidental Amdts) Order (NI) 2017, art 2(4)*

5 The guidance at paragraphs 7 - 42 below will also apply to a claim for Bereavement Support Payment1 for a person

 **1.** whose spouse or civil partner died in the 12 months before 6.4.172 **and**

 **2.** who would have been entitled to a Bereavement Payment3 if they had made a claim for it4 **and**

 **3.** who remarried or formed a new civil partnership5 **and**

 **4.** whose new spouse or civil partner died

 **4.1** on or after 6.4.17 **and**

 **4.2** within 12 months of the death of their previous spouse or civil partner6.

 **Note:** Cases of doubt should be sent to Decision Making Services for advice.

1 Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017, art 4; Pensions (2015 Act) (Conseq, Supp &
Incidental Amdts) Order (NI) 2017, art 3; 2 Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017, art 4(2)(a);
Pensions (2015 Act) (Conseq, Supp & Incidental Amdts) Order (NI) 2017, art 3(2)(a); 3 SS C&B (NI) Act 92, sec 36;
4 Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017, art 4(2)(b); Pensions (2015 Act) (Conseq, Supp & Incidental
Amdts) Order (NI) 2017, art 3(2)(b); 5 Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017, art 4(2)(c);
Pensions (2015 Act) (Conseq, Supp & Incidental Amdts) Order (NI) 2017, art 3(2)(c);
6 Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017, art 4(2)(d); Pensions (2015 Act) (Conseq, Supp & Incidental
Amdts) Order (NI) 2017, art 3(2)(d)

6 However, where paragraph 5 above applies, the guidance at paragraphs 7 - 42 below will apply to a Bereavement Support Payment claim

 **1.** at the end of a period of 12 months starting on the date of death of the person’s previous spouse or civil partner1 **and**

 **2.** on the day the person is entitled to Bereavement Support Payment in respect of the death of their new spouse or civil partner2.

 **Note:** Cases of doubt should be sent to Decision Making Services for advice.

1 Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017, art 4(3)(a); Pensions (2015 Act) (Conseq, Supp &
Incidental Amdts) Order (NI) 2017, art 3(3)(a); 2 Pensions (2015 Act) (Comm. No. 5) Order (NI) 2017, art 4(3)(b);
Pensions (2015 Act) (Conseq, Supp & Incidental Amdts) Order (NI) 2017, art 3(3)(b)

 BENEFITS FOR WHICH A CLAIM IS NOT REQUIRED

7 Guidance at DMG 2009 **4.** is amended as below.

 A claim is not required for Category C Retirement Pension1 where the beneficiary is already in receipt of

 **1.** another Retirement Pension1 **or**

 **2.** Widow’s Benefit **or**

 **3.** benefit corresponding to Widow’s Pension or Widowed Mother’s Allowance **or**

 **4.** Widowed Parent’s Allowance.

1 SS (C&P) Regs (NI), reg 3(1)(a)

8 Guidance at DMG 2009 **3.** is amended as below.

 A claim is not required for Category A Retirement Pension, Category B Retirement Pension or State Pension1 where the beneficiary is a woman

 **1.** over the age of 65 and entitled to Widowed Mother’s Allowance or Widowed Parent’s Allowance on her ceasing to be so entitled **or**

 **2.** under the age of 65 and in receipt of Widow’s Pension on her attaining that age.

1 SS (C&P) Regs (NI), reg 3(1)(d)

9 Guidance at DMG 2009 **14.** should no longer be followed1.

1 Pensions (2015 Act) (Conseq, Supp & Incidental Amdts) Order (NI) 2017, art 10(3)(c)

 CLAIMS AT ALTERNATIVE OFFICES

10 Guidance at DMG 2053 **2.** is amended to read “Widowed Parent’s Allowance”. This means that claims to Widowed Parent’s Allowance can be made at alternative offices1.

1 SS (C&P) Regs (NI), reg 4(6A)(a)(i)

 CLAIMS MADE BY TELEPHONE

11 Guidance at DMG 2073 no longer applies to claims to Bereavement Benefit. Instead telephone claims can be made to Widowed Parent’s Allowance and Bereavement Support Payment1.

1 SS (C&P) Regs (NI), reg 4(11)

 CLAIMS MADE ELECTRONICALLY

12 Bereavement Support Payment is added to the list of benefits at DMG 2069 that may be claimed electronically1.

1 SS (C&P) Regs (NI), reg 4ZC & Sch 8D

 TIME FOR CLAIMING

13 The guidance at DMG 2341 (Bereavement benefits where death difficult to establish) now is only applicable to claims for Widowed Parent’s Allowance1.

1 SS (C&P) Regs (NI), reg 19(3B)

14 The prescribed time limit for claiming1 in respect of the additional payment of Bereavement Support Payment for the first month (£3,500 or £2,500) is 12 months beginning with the date of death of the claimant’s spouse or civil partner.

1 SS (C&P) Regs (NI), reg 19(3BA)

15 Guidance at DMG 2340 - the prescribed time for claiming Bereavement Payment should no longer be followed as the regulation1 has been revoked.

1 SS (C&P) Regs (NI), reg 19(3A)

 USE OF INFORMATION PROVIDED TO A LOCAL AUTHORITY

16 Guidance at DMG 2060 (claims and information in relation to specified benefits provided to certain organisations) no longer applies to Bereavement Allowance or Bereavement Payment1. Similarly the guidance at DMG 2066 **2.** and **3.** no longer applies to Bereavement Allowance and Bereavement Payment. Instead the guidance now applies to Bereavement Support Payment2.

1 SS (C&P) Regs (NI), reg 32A; 2 SS (C&I) Regs (NI) 07, reg 1(3)

 NOTIFICATION OF A CHANGE OF CIRCUMSTANCES ELECTRONICALLY

17 Bereavement Support Payment is now added to the list of benefits where a change of circumstances can be notified electronically1 - see DMG 4152.

1 SS (C&P) Regs (NI), reg 32ZA

 CLAIMS IN THE ADDITION OR ALTERNATIVE

18 A claim to Bereavement Benefit may be treated as a claim to Bereavement Support Payment. Similarly a claim to Bereavement Support Payment may be treated as a claim to Bereavement Benefit1. Bereavement Benefit means a Bereavement Allowance2, a Bereavement Payment3 or Widowed Parent’s Allowance.

1 SS (C&P) Regs (NI), Sch 1, Part 1; 2 SS C&B (NI) Act 92, sec 39B & Pensions Act (NI) 15, Sch 16, para 13;
3 SS C&B (NI) Act 92, sec 36 & Pensions Act (NI) 15, Sch 16, para 8

 REVISION

19 Bereavement Support Payment is added to the list of benefits which should not be revised1 for official error in the circumstances described in DMG 3270 - 3271.

1 SS & CS (D&A) Regs (NI), reg 3(5ZB)

20 A decision to award Bereavement Support Payment may be revised1 at any time where contributions are repaid or returned to the contributor, where this means the person no longer satisfies the contribution conditions of entitlement to the benefit.

1 SS & CS (D&A) Regs (NI), reg 3(8F), 3(8G) & 3(8H)

 PAYMENT OF BEREAVEMENT SUPPORT Payment

 Definition of long term benefit

21 DMG 8014 gives the definition of long term benefit. Bereavement Allowance is omitted from the list of long term benefits1.

1 SS (C&P) Regs (NI), reg 2(1)

 Definition of working age benefit

22 DMG 8015 gives the definition of working age benefit. Bereavement Allowance is removed from the list1.

1 SS (C&P) Regs (NI), reg 2(1)

 Widowed Mother’s Allowance, Widowed Parent’s Allowance, Bereavement Allowance and Widow’s Pension pay day

23 DMG 8080 gives details of pay days. Reference to Bereavement Allowance is removed from this paragraph1.

1 SS (C&P) Regs (NI), reg 22A

 Day payment starts and date of change in the amount of benefit

24 DMG 8083 and DMG 8084 give guidance on day payment starts and date of change in the amount of benefit. Reference to Bereavement Allowance is removed from these paragraphs1. Also, for the purposes of DMG 8083, Bereavement Support Payment has been added.

1 SS (C&P) Regs (NI), reg 16(2A) & (4)

 Termination of award

25 DMG 8086 gives guidance on termination of award. Reference to Bereavement Allowance is removed from this paragraph1.

1 SS (C&P) Regs (NI), reg 22B(3), (4) & (5)

 Abatements - prescribed payments

26 DMG 9373 gives a list of prescribed payments. The content of sub paragraph 7 is amended to read Widowed Parent’s Allowance1.

1 SS (POR) Regs (NI), reg 8(1)(h)

 IMPRISONMENT - Exceptions to the disqualification provisions

27 DMG 12052 gives a list of benefits which are exceptions to the disqualification provisions. Sub paragraph 5 is amended to read Widowed Parent’s Allowance1.

1 SS (Gen Ben) Regs, reg 2(2)

 OVERLAPPING BENEFITs - Adjustment of Personal Act benefits by personal industrial injuries and non-Act benefits

28 DMG 17085 gives guidance on adjustment of personal Act benefits by personal industrial injuries and non-Act benefits. The reference in column one to Bereavement Allowance is removed1.

1 SS (OB) Regs, Sch 1, para 3, column 1

 INCOME SUPPORT, JOBSEEKER’S ALLOWANCE, STATE PENSION CREDIT and EMPLOYMENT AND SUPPORT ALLOWANCE

 Unearned income disregard

29 The regular monthly Bereavement Support Payment payment is treated as unearned income or income other than earnings1 in Income Support, Jobseeker’s Allowance, State Pension Credit and Employment and Support Allowance. It is disregarded for the period in respect of which it is paid. Any unspent Bereavement Support Payment remaining at the end of this month will become capital (with no disregard applied). The regular monthly Bereavement Support Payment payment does not include any arrears or the higher or standard rate of Bereavement Support Payment payable for the first month of the Bereavement Support Payment period2.

1 IS (Gen) Regs (NI), Sch 9, para 72B; JSA Regs (NI), Sch 6, para 68B; SPC Regs (NI), reg 15(1)(m);
ESA Regs (NI), Sch 8, para 63; 2 BSP Regs (NI), reg 3(2) & (5)

 Capital disregard

30 Arrears of Bereavement Support Payment and any concessionary payments which are made to compensate for arrears of Bereavement Support Payment are disregarded when calculating a person’s capital for recipients of

 **1.** Income Support, Jobseeker’s Allowance and Employment and Support Allowance1, for a period of 52 weeks from the date of receipt of the arrears or compensatory payment **or**

 **2.** State Pension Credit2

 **2.1** either

 **2.1a** to the end of the assessed income period if there is an assessed income period **or**

 **2.1b** one year from the date of payment

 whichever is the longer period **or**

 **2.2** for one year from the date of receipt of the payment if there is no assessed income period.

1 IS (Gen) Regs (NI), Sch 10, para 7(1)(ba); JSA Regs (NI), Sch 7, para 12(1)(e);
ESA Regs (NI), Sch 9, para 11(1)(d); 2 SPC Regs (NI), Sch 5, para 20(2)(na)

31 Where a claimant in receipt of Income Support, Jobseeker’s Allowance, State Pension Credit or Employment Support Allowance

 **1.** makes a claim for Bereavement Support Payment 12 months or less after their spouse or civil partner died **and**

 **2.** receives the additional of Bereavement Support Payment for the first month of their Bereavement Support Payment period at either the higher (£3,500) or standard (£2,500) rate1

 that first monthly payment is disregarded when calculating that person’s capital but only for a period of 52 weeks from the date of receipt2.

1 BSP Regs (NI), reg 3(2) & (5); 2 IS (Gen) Regs (NI), Sch 10, para 65; JSA Regs (NI), Sch 7, para 57B;
SPC Regs (NI), Sch 5, para 23D; ESA Regs (NI), Sch 9, para 56

 Payment questions - JOBSEEKER’S ALLOWANCE and iNCOME SUPPORT

32 DMG Chapter 33 covers general payment questions that apply to claims for Jobseeker’s Allowance and Income Support. From 6.4.17 any reference within this chapter to a Bereavement Benefit should be replaced with Widowed Parent’s Allowance1.

1 SS (C&P) Regs (NI), Sch 7

 Social Fund

33 Guidance at DMG 39408 provides that arrears of specific benefits payable to the deceased as at the date of death, no longer count as assets of the deceased1. Specified benefits are listed in Appendix 7 of DMG Chapter 39. From 6.4.17, within that Appendix, Bereavement Allowance is replaced by Bereavement Support Payment.

1 SFMFE (Gen) Regs (NI), reg 10(1A)(b)

 part week payment - Employment and Support Allowance

34 Part week payments is described in DMG Chapter 46. From 6.4.17 any reference within this chapter to Bereavement Allowance should be replaced with Bereavement Support Payment1.

1 ESA Regs (NI), reg 165(3) & 167(d)

 bereavement benefit

 Bereavement Payment

35 The guidance at DMG 63007 et seq will not apply where the late spouse or civil partner dies on or after 6.4.171.

1 Pensions Act (NI) 15, Sch 16, para 8

 Widowed Parent’s Allowance

36 DMG 63017 gives guidance on when a surviving spouse or civil partner is entitled to Widowed Parent’s Allowance. From 6.4.17 DMG 63017 **1.** will not apply. Instead, a surviving spouse or civil partner is entitled to Widowed Parent’s Allowance if

 **1.** the late spouse or civil partner died before 6.4.171 **and**

 **2.** the surviving spouse or civil partner

 **2.1** did not marry or form a civil partnership after the date of death and before 6.4.172 **and**

 **2.2** is under pensionable age on 6.4.173.

 **Note 1:** This does not apply where a woman’s husband died before 9.4.01. Instead, decision makers should follow the guidance in DMG Chapter 58.

 **Note 2:** For the avoidance of doubt, the rest of the guidance at DMG 63017 has not changed.

1 SS C&B (NI) Act 92, sec 39A(1)(a); 2 sec 39A(1)(b); 3 sec 39A(1)(c)

 Bereavement Allowance

37 The guidance at DMG 63091 et seq will not apply where the late spouse or civil partner dies on or after 6.4.171.

1 Pensions Act (NI) 15, Sch 16, para 13

 state pension

 Inherited amount

38 DMG 74318 and DMG 74319 give guidance on when a person whose spouse or civil partner has died is entitled to an inherited amount of State Pension1. One of the conditions for people being entitled to an inherited amount is that they would, on reaching pensionable age, have been entitled to a Category B Retirement Pension2. One of the conditions of entitlement to a Category B Retirement Pension for this purpose is that a person was entitled to Bereavement Allowance at any time before reaching pensionable age3. From 6.4.17 one of the conditions for an inherited amount is that a person is entitled to Bereavement Support Payment at any time before reaching pensionable age4.

1 Pensions Act (NI) 15, Sch 3, para 3(1); 2 SS C&B (NI) Act 92, sec 48BB; 3 sec 48BB(3);
4 Pensions Act (NI) 15, Sch 3, para 3(1)(d)

39 For the purposes of paragraph 38 above, a person is treated as being entitled to Bereavement Support Payment1 if they failed to make, or delayed making, a claim for Bereavement Support Payment2 and/or they were not paid Bereavement Support Payment because they were a prisoner3.

*1 SS (WP & RP) Regs (NI) 79, reg 7B(2); 2 reg 7B(3)(a); reg 7B(3)(b);
Pensions Act (NI) 15, sec 31; BSP Regs (NI), reg 6*

 Survivor's choice of inherited lump sum or State Pension

40 DMG 74343 gives guidance on when a person is entitled to make a choice between an inherited lump sum and a State Pension. From 6.4.17, when determining whether a person would have been entitled to Retirement Pension if Retirement Pension had not ceased to apply to people reaching pensionable age after 5.4.16, references to Bereavement Allowance1 should be read as references to Bereavement Support Payment2.

1 SS C&B (NI) Act 92, sec 48BB; 2 Pensions Act (NI) 15, sec 8(1)(e)

 Inherited deferral amount

41 DMG 74365 and DMG 74367 give guidance on when a person whose spouse or civil partner has died is entitled to an inherited deferral amount. From 6.4.17, when determining whether a person would have been entitled to Retirement Pension if Retirement Pension had not ceased to apply to people reaching pensionable age after 5.4.16, references to Bereavement Allowance1 should be read as references to Bereavement Support Payment2.

1 SS C&B (NI) Act 92, sec 48BB; 2 Pensions Act (NI) 15, Sch 5, para 2(1)(b) & para 3(1)(b)

 forfeiture (NORTHERN IRELAND) ORDER 1982

42 The guidance in DMG Chapter 76 will also apply to Bereavement Support Payment1.

1 Forfeiture (NI) Order 1982, art 6(5)

 annotations

 Please annotate the number of this memo (DMG Memo Vol 1/109, 3/97, 5/106, 6/91, 7/45, 8/83, 9/35, 10/73, 12/23, 13/69 & 14/63) against DMG paragraphs:

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