

2000 No. 2239

SOCIAL SECURITY

**The Social Security Amendment (Bereavement
Benefits) Regulations 2000**

Made - - - - - *17th August 2000*

Laid before Parliament *24th August 2000*

Coming into force - - *9th April 2001*

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 124(1)(e), 135(1), 136(5)(b), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(**a**) and sections 12(4)(b) and 35(1) of the Jobseekers Act 1995(**b**) and of all other powers enabling him in that behalf, after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to him to be representative of the authorities concerned(**c**) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**d**), hereby makes the following Regulations:

Citation, commencement and interpretation

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

(2) Regulation 2(4) of these Regulations 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, the expressions “benefit week” and “claimant” shall have the same meaning as in regulation 2(1) of the Income Support Regulations(**e**).

(3) Regulation 3(3) of these Regulations 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 2001 and in this paragraph, the expression “benefit week” shall have the same meaning as in regulation 1(3) of the Jobseeker’s Allowance Regulations(**f**).

(4) In these Regulations—
“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(**g**);

(a) 1992 c. 4; section 123(1)(d) was inserted and section 137 amended, in respect of council tax benefit, by Schedule 9 to the Local Government Finance Act 1992 (c. 14). Section 137(1) is cited because of the meaning ascribed to the word “prescribed”.

(b) 1995 c. 18; section 35(1) is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(c) See section 176(1) of the Social Security Administration Act 1992 (c. 5).

(d) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

(e) The definition of “benefit week” was amended by S.I. 1988/1445.

(f) The definition of “benefit week” was amended by S.I. 1996/1517 and 2538.

(g) S.I. 1992/1814.

SOCIAL SECURITY AMENDMENT (**BEREAVEMENT BENEFITS**)
REGULATIONS 2000

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(a);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(b);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(c).

[Regulation 2 inserts regulation 16A, amends paragraph 4 and inserts paragraph 8A into Schedule 2 of S.I. 1987/1967.]

[Regulation 3 amends paragraph 5 and inserts paragraph 9A into Schedule 1 of S.I. 1996/207.]

[Regulation 4 amends paragraph 4 and inserts paragraph 8A into Schedule 2 of S.I. 1987/1971.]

[Regulation 5 amends paragraph 4 and inserts paragraph 8A into Schedule 1 of S.I. 1992/1814.]

Cessation in operation of certain provisions of these Regulations

6. Regulations 2(2) and (3), 3(2), 4(2) and 5(2) of these Regulations shall cease to have effect on 10th April 2006 and the Income Support Regulations, the Jobseeker’s Allowance Regulations, the Housing Benefit Regulations and the Council Tax Benefit Regulations shall apply thereafter as if the amendments made to them by those regulations had not been made.

Signed by authority of the Secretary of State for Social Security.

17th August 2000

Angela Eagle
Parliamentary Under-Secretary of State,
Department of Social Security

(a) S.I. 1987/1971.
(b) S.I. 1987/1967.
(c) S.I. 1996/207.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814).

In particular, they provide that—

— certain persons aged between 55 and 60 whose spouse has died may be entitled to income support (regulation 2(2));

— subject to certain conditions, an additional premium is payable in those benefits to such persons where a person's entitlement to a bereavement allowance has expired, the premium only being payable until 9th April 2006 (regulation 2(3), 3(2), 4(2) and 5(2));

— certain amounts of a widowed mother's allowance and widowed parent's allowance are disregarded for the purpose of ascertaining entitlement to those benefits (regulation 2(4), 3(3), 4(3)(a) and 5(3)(a)).

Regulations 4(3)(b) and 5(3)(b) make consequential amendments.

Regulation 6 provides for the provisions of these Regulations (apart from those relating to the disregard of widowed mother's allowance and widowed parent's allowance) to cease to have effect on 10th April 2006. By this date, all those entitled to income support by virtue of the amendment made by regulation 2(2), will be eligible to claim that benefit because they have attained the age of 60 when the premium payable under regulations 2(3), 3(2), 4(2) and 5(2) will be replaced by a pensioner premium of a higher value.

These Regulations do not impose a charge on business.

