

## **BEREAVEMENT SUPPORT PAYMENT (BSP) – RECIPROCAL AGREEMENTS**

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### **INTRODUCTION**

- 1 This memo gives guidance on changes to several reciprocal agreements as a result of the introduction of BSP. The changes are introduced by the Social Security (Reciprocal Agreements) Order 2017 Si 159/2017. The changes are effective from 6.4.17<sup>1</sup>.

*The Social Security (Reciprocal Agreements) Order 17, Art 1*

### **BACKGROUND**

- 2 BSP is being introduced for people whose spouse or civil partner dies on or after 6.4.17. It is replacing the previous suite of Bereavement Benefits namely the Bereavement Payment, Bereavement Allowance and Widowed Parents' Allowance. For further guidance on BSP see DMG [chapter 59](#).

### **ALTERATION TO EXISTING AGREEMENTS**

- 3 Any reference in this memo to “the agreements” is a reference to the reciprocal agreements with the countries set out in paragraph 11.

4 For the purposes of this memo bereavement benefits means<sup>1</sup>

1. widow's benefit,
2. bereavement benefit,
3. survivor's pension,
4. survivor's benefit,
5. basic survivor's benefit,
6. death grant,
7. benefits in respect of the death of a spouse or civil partner, **or**
8. any equivalent terms.

*1 The Social Security (Reciprocal Agreements) Order 17, Sch 1, para 1*

5 Subject to paragraph 10 any reference in the agreements to bereavement benefits shall also include a reference to BSP<sup>1</sup>.

*1 The Social Security (Reciprocal Agreements) Order 17, Sch 1, para 2 & 3; Pensions Act 14, part 5*

6 For the purposes of entitlement to BSP where

1. the agreements treat a person as being in the UK whilst in the other country,  
**and**
2. that person is ordinarily resident in the other country when their spouse or civil partner dies

they will be treated as ordinarily resident in the GB<sup>1</sup>.

*1 The Social Security (Reciprocal Agreements) Order 17, Sch1, para 4*

7 For the purposes of entitlement to an increase of BSP where

1. the agreements treat a person as being in the UK whilst in the other country,  
**and**
2. that person is ordinarily resident in the other country when their spouse or civil partner dies

they will be treated as ordinarily resident in the GB<sup>2</sup>.

*1 The Social Security (Reciprocal Agreements) Order 17, Sch1, para 5*

- 8 For the purposes of entitlement to a higher rate of BSP<sup>1</sup> for a person in respect of a child, where
1. the agreements treat the child as being in the UK whilst in the other country **and**
  2. that child is ordinarily resident in the other country when the person's spouse or civil partner dies

the person will be treated as entitled to CHB in respect of the child<sup>1</sup> when paragraph 9 below applies.

*1 The Social Security (Reciprocal Agreements) Order 17, Sch1, para 6*

- 9 For the purposes of paragraph 8 above, a person will be treated as entitled to CHB in respect of a child when
1. the child is ordinarily resident in the other country **and**
  2. the person would be entitled to CHB for the child if the child were in the UK<sup>1</sup>.

*1 The Social Security (Reciprocal Agreements) Order 17, Sch1, para 6*

- 10 References in the agreements to the
1. calculation of, **or**
  2. provisions for
- pro-rata bereavement benefits will not be altered to include BSP<sup>1</sup>.

*1 The Social Security (Reciprocal Agreements) Order 17, Sch1, para 7*

- 11 References in the agreements to a person being treated as having
1. paid contributions,
  2. been credited with contributions,
  3. been credited with earnings,
  4. completed an insurance period, contribution period or an equivalent period,
- shall not be altered to apply to BSP<sup>1</sup>.

*1 The Social Security (Reciprocal Agreements) Order 17, Sch1, para 8*

## **THE AGREEMENTS**

12 The countries with reciprocal agreements that apply to this memo

1. Italy<sup>1</sup>
2. Luxembourg<sup>2</sup>
3. Israel<sup>3</sup>
4. France<sup>4</sup>
5. Belgium<sup>5</sup>
6. Yugoslavia<sup>6</sup>
7. Denmark<sup>7</sup>
8. Turkey<sup>8</sup>
9. Germany<sup>9</sup>
10. Gibraltar<sup>10</sup>
11. Spain<sup>11</sup>
12. Portugal<sup>12</sup>
13. Austria<sup>13</sup>
14. Cyprus<sup>14</sup>
15. Finland<sup>15</sup>
16. USA<sup>16</sup>
17. Philippines<sup>17</sup>
18. Norway<sup>18</sup>
19. Barbados<sup>19</sup>
20. Jersey and Guernsey<sup>20</sup>
21. Jamaica<sup>21</sup>
22. Netherlands<sup>22</sup>

## 23. Ireland<sup>23</sup>.

*1 NI and Industrial Injuries (Reciprocal Agreement with Italy) Order 1953; 2 NI and Industrial Injuries (Luxembourg) Order 1955; 3 NI and Industrial Injuries (Israel) Order 1957; 4 NI and Industrial Injuries (France) order 1958; 5 Family Allowances, NI and Industrial Injuries (Belgium) Order 1958; 6 Family Allowances, NI and Industrial Injuries (Yugoslavia) Order 1958; 7 Family Allowances, NI and Industrial Injuries (Denmark) Order 1960; 8 NI and Industrial Injuries (Turkey) Order 1961; 9 Family Allowances, NI and Industrial Injuries (Germany) Order 1961; 10 Family Allowances, NI and Industrial Injuries (Gibraltar) Order 1974; 11 Family Allowances, NI and Industrial Injuries (Spain) Order 1975; 12 Social Security (Portugal) Order 1979; 13 Social Security (Austria) Order 1981; 14 Social Security (Cyprus) Order 1983; 15 Social Security (Finland) Order 1984; 16 Social Security (United States of America) Order 1984; 17 Social Security (Philippines) Order 1989; 18 Social Security (Norway) Order 1991; 19 Social Security (Barbados) Order 1992; 20 Social Security (Jersey and Guernsey) Order 1994; 21 Social Security (Jamaica) Order 1997 ; 22 Social Security (Netherlands) Order 2007; 23 Social Security (Ireland) Order 2007*

## NEW ZEALAND

- 13 In the agreement with New Zealand<sup>1</sup> where there are references to the legislation to which the agreement applies, such references shall be altered to include a reference to Part 5 of the Pensions Act 2014<sup>2</sup>.

*1 SS (New Zealand) Order 1983; 2 The Social Security (Reciprocal Agreements) Order 17, Sch3, para 1(a)*

- 14 Article 11 of the agreement with New Zealand<sup>1</sup> shall be altered so that it applies for the purpose of entitlement to BSP<sup>2</sup> in the following way

1. a person who is ordinarily resident in New Zealand when their spouse or civil partner dies is to be treated as ordinarily resident in Great Britain at that time  
**and**
2. paragraph (4) is to be disregarded<sup>3</sup>.

*1 SS (New Zealand) Order 1983; 2 Pensions Act 2014, part 5; 3 The Social Security (Reciprocal Agreements) Order 17, Sch3, para 1(b)*

## ANNOTATIONS

Please annotate the number of this memo (15/17) against DMG paragraphs:

070330, 070333 and 077030

## CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds. Existing arrangements for such

referrals should be followed, as set out in [Memo DMG 23/16](#) - Obtaining legal advice and guidance on the Law.

**DMA Leeds: July 2017**

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