

# **DMG Chapter 59: Bereavement support payment**

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# Introduction 59001 - 59010

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## Introduction

59001 [[See Memo DMG 02/23](#)] This Chapter gives guidance on BSP, which is introduced on 6.4.17<sup>1</sup> for people whose spouse or civil partner dies on or after that date.

<sup>1</sup> Pensions Act 14 (Commencement No. 10) Order, art 2(1)(b); BSP Regs, reg 1(2)

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 BB (see DMG Chapter 63). Also, people already receiving BB on 5.4.17 can continue to receive it for as long as the qualifying conditions apply. A person who continues to receive BB after 5.4.17 can also get BSP 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, the requirement to provide a NINO and death difficult to establish - see DMG Chapter 02
3. revision - see DMG Chapter 03
4. supersession - see DMG Chapter 04
5. absence from GB - 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<sup>1</sup>.

This also applies, for example, to a marriage that has ended or a person whose marriage has ended<sup>2</sup>.

1 Marr (SSC) Act 13, Sch 3, Part 1, para 1(1); 2 Sch 3, Part 1, para 1(2)

59005 For the purpose of DMG 59004, unless the context otherwise requires, it does not matter how a reference is expressed<sup>1</sup>. 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 (SSC) Act 13, Sch 3, Part 1, para 1(3)

59006 Same sex couples can marry

1. in England and Wales from 29.3.14<sup>1</sup>**and**
2. in Scotland from 16.12.14<sup>2</sup>.

In Scotland, before 16.12.14, a marriage of a same sex couple under the law of England and Wales was treated as a civil partnership formed under the law of England and Wales. Therefore, the spouses were treated as civil partners.

1 Marr (SSC) Act 13; 2 Marr & CP (Scot) Act 14

## **Remarriage, forming a civil partnership or living together as a married couple**

59007 Unlike WB and BB, a person will continue to receive BSP if they

**1.** remarry **or**

**2.** form a civil partnership **or**

**3.** start LTAMC.

59008 – 59010

# Conditions of entitlement 59011 - 59030

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59011 [[See Memo DMG 02/23](#)] A person whose spouse or civil partner dies<sup>1</sup> on or after 6.4.17 will be entitled to BSP if

**1.** they are under pensionable age<sup>2</sup> when their spouse or civil partner dies<sup>3</sup> **and**

**2.** they are ordinarily resident

**2.1** in GB **or**

**2.2** in 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<sup>4</sup>

when their spouse or civil partner dies<sup>5</sup> **and**

**3.** the contribution condition is satisfied<sup>6</sup> (see DMG 59012).

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

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

1 Pensions Act 14, s 30(1)(a); 2 Pensions Act 1995, Sch 4, Part 1, para 1; 3 Pensions Act 14, s 30(1)(b);  
4 BSP Regs, reg 8; SS A Act 92, s 179; 5 Pensions Act 14, s 30(1)(c); 6 s 30(1)(d)

## Contribution condition

59012 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 NI contributions<sup>1</sup> **and**

**2.** their earnings factor was at least 25 times the LEL for the year<sup>2</sup>.

**Note:** The easement at DMG 75031 does **not** apply to BSP.

1 Pensions Act 14, s 31(1)(a); 2 s 31(1)(b)

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

**1.** was an employed earner<sup>1</sup>**and**

**2.** died as the result of

**2.1** an IA<sup>2</sup>**or**

**2.2** a PD<sup>3</sup>.

1 Pensions Act 14, s 31(3); 2 s 31(3)(a); SS CB Act 92, s 94(1);

3 Pensions Act 14, s 31(3)(b); SS CB Act 92, s 108(1)

59014 – 59015

## **People not entitled to bereavement support payment**

59016 There is no entitlement to BSP once a person has reached pensionable age<sup>1</sup>.

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

1 Pensions Act 14, s 30(5)

### **Example**

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

59017 There is no entitlement to BSP if the deceased died before 6.4.17<sup>1</sup>.

1 Pensions Act 14, s 30(6)

59018 – 59030

# Period and rate of bereavement support payment 59031 - 59080

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## Rate of bereavement support payment

59031 There are two rates of BSP; the higher rate and the standard rate.

### Higher rate

59032 [[See Memo DMG 02/23](#)] Unless DMG 59033 applies, the higher rate of BSP 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 BSP is payable<sup>1</sup>.

**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<sup>2</sup>.

**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<sup>3</sup>.

1 BSP Regs, 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 BSP claim is made 12 months or less after the spouse or civil partner died, the higher rate of BSP is £3,500 for the first month of the period for which it is payable<sup>1</sup>.

1 BSP Regs, reg 3(2)

**Note:** Where the BSP claim is made more than 12 months after the spouse or civil partner died, 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<sup>1</sup>. However, the payments can be made separately.

1 BSP Regs, reg 3(3)

### **Example 1**

Nicola's spouse Harvey dies on 7.10.17. She claims BSP 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 BSP period (7.11.17, 7.12.17, 7.1.18 et seq). (See DMG 59071 et seq for guidance on BSP period).

### **Example 2**

Peter's spouse Sue dies on 5.5.17. He claims BSP 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 BSP period (5.3.18, 5.4.18, 5.5.18 et seq). (See DMG 59071 et seq for guidance on BSP period).

59035

### **Standard rate**

59036 Unless DMG 59037 applies, the standard rate of BSP 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 BSP is payable<sup>1</sup>.

1 BSP Regs, 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 BSP claim is made 12 months or less after the spouse or civil partner died, the standard rate of BSP is £2,500 for the first month of the period for which it is payable<sup>1</sup>.

1 BSP Regs, reg 3(5)

**Note:** Where the BSP claim is made more than 12 months after the spouse or civil partner died, 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<sup>1</sup>. However, the payments can be made separately.

1 BSP Regs, reg 3(6)

### **Example 1**

Ikbal's spouse Mahira dies on 21.4.17. He claims BSP 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 BSP period (21.5.17, 21.6.17, 21.7.17 et seq). (See DMG 59071 et seq for guidance on BSP period).

## Example 2

Vicki's spouse Sean dies on 1.7.17. She claims BSP 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 BSP period (1.7.18, 1.8.18, 1.9.18 et seq). (See DMG 59071 et seq for guidance on BSP period).

59039 – 59050

## Entitlement to the higher rate of bereavement support payment

59051 [[See Memo DMG 02/23](#)] A person is entitled to the higher rate of BSP as in DMG 59052 – 59054 if

1. they were pregnant when their spouse or civil partner died<sup>1</sup> **or**
2. they were entitled to CHB<sup>2</sup> when their spouse or civil partner died<sup>3</sup> **or**
3. after the spouse or civil partner died, they become entitled to CHB<sup>4</sup> 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<sup>5</sup>.

**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 IVF before the death of the spouse or civil partner. However, it does **not** apply where IVF 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 CHB in respect of any week in which they are responsible for one or more children or qualifying young persons<sup>6</sup>. A week is a period of 7 days beginning with a Monday<sup>7</sup>.

**Note 3:** 3. applies whether or not a person is no longer entitled to CHB for a child or qualifying young person<sup>8</sup>.

**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 Regs, reg 4(2); 2 SS CB Act 92, s 141; 3 BSP Regs, reg 4(3); 4 SS CB Act 92, s 141;  
5 BSP Regs, reg 4(4); 6 SS CB Act 92, s 141; 7 s 147(1); 8 BSP Regs, reg 4(5)

### **Example 1**

Florence's spouse Fred dies and she claims BSP. Florence is entitled to CHB for her son Tom who was living with Fred and her immediately before Fred dies. The DM decides that Florence is entitled to the higher rate of BSP.

### **Example 2**

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

### **Example 3**

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

### **Example 4**

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

### **Example 5**

Lisa's spouse Paul and only child John die in an accident on 10.11.17 and she claims BSP. Lisa is entitled to CHB for week commencing 6.11.17. The DM decides that Lisa is entitled to the higher rate of BSP because she was entitled to CHB when Paul died.

### **Meaning of child**

59052 A child is a person who has not reached age 16<sup>1</sup>.

1 BSP Regs, reg 4(6); SS CB Act 92, s 142(1)

### **Meaning of qualifying young person**

59053 A qualifying young person<sup>1</sup> is a person, other than a child, who

**1.** has not reached a prescribed age<sup>2</sup> which is

**1.1** age 17<sup>3</sup>**or**

**1.2** age 18<sup>4</sup>**or**

**1.3** age 20<sup>5</sup>**and**

**2.** satisfies other conditions<sup>6</sup>.

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

1 BSP Regs, reg 4(5); 2 SS CB Act 92, 142(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 CB Act 92, s 142(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 BSP in accordance with DMG 59051 is entitled to the standard rate<sup>1</sup>.

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

1 BSP Regs, reg 5

59057 – 59070

## **Period of bereavement support payment**

### **Start of the period**

59071 [[See Memo DMG 02/23](#)] The start of the period for which BSP is payable depends on when the claim is made. The period starts

**1.** on the date the spouse or civil partner died where the BSP claim is made 3 months or less after the date of death<sup>1</sup>**or**

**2.** at the beginning of the period of 3 months before the date of the BSP claim where the BSP claim is made

**2.1** more than 3 months after the date the spouse or civil partner died<sup>2</sup>**and**

**2.2** no more than 3 months after the end of the period in DMG 59072<sup>3</sup>.

**Note:** See DMG Chapter 08 for full guidance on time and manner of payments for BSP.

1 BSP Regs, 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 BSP on 18.10.17. Carol's BSP period starts on 1.8.17.

### **Example 2**

Adam's civil partner Ivan dies on 14.5.17. Adam claims BSP on 6.9.17. Adam's BSP period starts on 6.6.17.

### **Example 3**

Bridget's spouse Cecilia dies on 21.4.17. Bridget claims BSP on 1.12.18. Bridget's BSP period starts on 1.9.18.

### **End of the period**

59072 [[See Memo DMG 02/23](#)] The end of the period for which BSP is payable is 18 months beginning with the day after the date on which the spouse or civil partner died<sup>1</sup>.

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

1 BSP Regs, reg 2(3)

### **Example 1**

See Example 1 at DMG 59071. Carol's BSP period ends on 1.2.19.

### **Example 2**

See Example 2 at DMG 59071. Adam's BSP period ends on 14.11.18.

### **Example 3**

See Example 3 at DMG 59071. Bridget's BSP period ends on 21.10.18.

59073 – 59080

## **Prisoners 59081 - 59999**

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.**