

9-23: Change to Underlying Entitlement Conditions for Widowed Parent's Allowance due to the Introduction of the Bereavement Benefits (Remedial) Order 2023

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INTRODUCTION

1. This memo gives guidance on the changes to the underlying entitlement conditions for Widowed Parent's Allowance due to the introduction of The Bereavement Benefits (Remedial) Order 2023¹ ([See Memo DMG 2-23](#)). These changes apply to surviving spouses and civil partners as well as surviving cohabiting partners.

1 [Bereavement Benefits \(Remedial\) Order 2023, SI 2023/134](#)

BACKGROUND

2. The Bereavement Benefits (Remedial) Order 2023 came into force on 9.2.23. The Remedial Order extends eligibility for WPA to surviving cohabiting partners with dependent children, who were not in a legal union with their deceased cohabiting partner on the date of their death.

3. Before the introduction of the Remedial Order, surviving partners (who were married or in a civil partnership with the deceased) in receipt of WPA that entered a cohabiting partnership would have their payments suspended however they would retain underlying entitlement to WPA. If their subsequent cohabiting partnership ended, as long as they continue to satisfy the qualifying conditions, WPA would be payable to them again ([See DMG 63037](#)).

CHANGE TO UNDERLYING ENTITLEMENT TO WPA WHEN ENTERING A COHABITING PARTNERSHIP ON OF AFTER 9.2.23

4. WPA entitlement permanently ends¹ when

1. the surviving

1.1 spouse

1.2 civil partner

1.3 cohabiting partner

enters a cohabiting partnership with another person on or after 9.2.23.

Note 1: A surviving spouse or civil partner who entered a cohabiting partnership before 9.2.23 retains underlying entitlement to WPA as long as they satisfy the qualifying conditions².

1 SS CB Act 92, s 39A(4),(4A)&(4B) 2 Bereavement Benefits (Remedial) Order 2023 art 2(1)&(2)

ANNOTATIONS

The number of this memo should be annotated against the following paragraphs of the DMG; [63017](#), [63019](#), [63037](#)

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [4/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA (Leeds): September
2023

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