

SCHEDULE 1

Consequential Amendments to Primary Legislation

Social Security Contributions and Benefits Act 1992

22.—(1) The Social Security Contributions and Benefits Act 1992⁽¹⁾ is amended as follows.

(2) For section 36(2)⁽²⁾ (bereavement payment) substitute—

“(2) A bereavement payment shall not be payable to a person if that person and a person whom that person was not married to, or in a civil partnership with, were living together as a married couple at the time of the spouse’s or civil partner’s death.”.

(3) In section 37(4)⁽³⁾ (widowed mother’s allowance), after paragraph (a) insert “or” and for paragraphs (b) and (c) substitute—

“(b) for any period during which she and a person whom she is not married to, or in a civil partnership with, are living together as a married couple.”.

(4) In section 38(3)⁽⁴⁾ (widow’s pension), after paragraph (b) insert “or” and for paragraphs (c) and (d) substitute—

“(c) for any period during which she and a person whom she is not married to, or in a civil partnership with, are living together as a married couple.”.

(5) In section 39A(5)⁽⁵⁾ (widowed parent’s allowance), after paragraph (a) insert “or” and for paragraphs (b) and (c) substitute—

“(b) for any period during which the surviving spouse or civil partner and a person whom she or he is not married to, or in a civil partnership with, are living together as a married couple.”.

(6) In section 39B(5)⁽⁶⁾ (bereavement allowance where no dependent children), after paragraph (a) insert “or” and for paragraphs (b) and (c) substitute—

“(b) for any period during which the surviving spouse or civil partner and a person whom she or he is not married to, or in a civil partnership with, are living together as a married couple.”.

(7) In section 122 (interpretation of Parts 1 to 6 and supplementary provisions), omit subsection (1A)⁽⁷⁾.

(8) In section 137⁽⁸⁾ (interpretation of Part 7 and supplementary provisions)—

(a) in subsection (1), for the definition of “couple” substitute—

““couple” means—

(a) two people who are married to, or civil partners of, each other and are members of the same household; or

(1) 1992 c. 4.

(2) Section 36 was substituted by the Welfare Reform and Pensions Act 1999 (c. 30), section 54(1); subsection (2) was substituted by the 2004 Act, Schedule 24, paragraph 16(1) and (3). There are other amendments to section 36 not relevant to this Order.

(3) Section 37(4) was amended by the 2004 Act, Schedule 24, paragraph 18(1) and (3), and Schedule 30. There are other amendments to section 37 not relevant to this Order.

(4) Section 38(3) was amended by the 2004 Act, Schedule 24, paragraph 19(1) and (3), and Schedule 30.

(5) Section 39A was inserted by the Welfare Reform and Pensions Act 1999, section 55(2); subsection (5) was amended by the 2004 Act, Schedule 24, paragraph 20(1) to (3) and (7), and Schedule 30.

(6) Section 39B was inserted by the Welfare Reform and Pensions Act 1999, section 55(2); subsection (5) was amended by the 2004 Act, Schedule 24, paragraph 21(1), (2) and (6), and Schedule 30. There are other amendments to section 39B not relevant to this Order.

(7) Section 122(1A) was inserted by the 2004 Act, Schedule 24, paragraph 41(1) and (3).

(8) The definition of “couple” in section 137(1) and (1A) was inserted by the 2004 Act, Schedule 24, paragraph 46(1), (3) and (5). Section 137 has been repealed by the Welfare Reform Act 2012 (c. 5) for certain purposes. That repeal is not fully in force. There are other amendments to section 137 not relevant to this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple otherwise than in prescribed circumstances;”, and
 - (b) omit subsection (1A).
- (9) In Schedule 7 (industrial injuries benefits)—
 - (a) in paragraph 4(3)(a)(9) (increase for beneficiary’s dependent children and qualifying young persons), after sub-paragraph (i) insert “or” and for sub-paragraphs (ii) and (iii) substitute—
 - “(ii) two people who are not married to, or civil partners of, each other but are living together as a married couple, and”, and
 - (b) in paragraph 15(3)(10) (widow’s benefit (entitlement)), for the words from “husband and wife” to the end substitute “a married couple with a person whom she is not married to or in a civil partnership with.”.

(9) Paragraph 4(3)(a) of Schedule 7 was substituted by the 2004 Act, Schedule 24, paragraph 52(1) and (2). There are other amendments to Schedule 7 not relevant to this Order.

(10) Paragraph 15(3) of Schedule 7 was amended by the 2004 Act, Schedule 24, paragraph 52(1) and (5)(b).