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Rt Hon Stephen Timms MP
Chair, Work and Pensions Committee

15th July 2021

Dear Stephen

Bereavement Benefits (2021) Remedial Order

Further to my letter of 18th April, I am pleased to inform you that our proposal for a draft remedial order to extend eligibility for Widowed Parent's Allowance and Bereavement Support Payment to surviving cohabitees with dependent children (the Bereavement Benefits (2021) Remedial Order), has been laid before Parliament today.

Background

As you are aware, currently Bereavement Support Payment (BSP) and its predecessor, Widowed Parent's Allowance (WPA), can only be paid to those in a legal union (married or in a civil partnership). On 30th August 2018, the Supreme Court ruled that the primary legislation governing WPA is incompatible with the European Convention on Human Rights (ECHR). On 7th February 2020, the High Court similarly ruled that the primary legislation governing BSP is also incompatible with the ECHR.

In both cases, the courts found that restricting eligibility to people in a legal union (and thus excluding cohabitees) unfairly discriminates between children on the grounds of the legal status of their parents' relationship.

The draft Order proposes that BSP and WPA eligibility for surviving cohabitees with dependent children will apply from 30th August 2018 (the date of the first court judgement). Some claimants will therefore be entitled to retrospective payments dating back to 2018.

More detail is set out in the Order and the Explanatory Memorandum, both of which can be accessed via the Journal Office and the Vote Office.

Remedial Order timetable

As you are also aware, Parliament will now have 60 days (not including recess) to consider the proposal. At the end of this 60-day period, the draft Order will be laid before Parliament for a further 60 days, in which the Joint Committee on Human Rights has to report on whether the draft Order should be approved. Details of any representations made during the first 60 days and any changes made to the proposal in the light of these representations, will be reported. The Order will then be debated in both Houses of Parliament before it can be approved. Due to the nature of the Parliamentary process, I cannot at this stage say when these proposals will become law.

I am keen to hear views on the Order and hope the timetable outlined above provides an assurance that there will be ample opportunity for Parliamentarians and other interested stakeholders to comment. I plan to hold drop-in sessions on this matter in the September sitting and hope to share further details of these in due course.

I look forward to engaging further on the matter with interested parties.

Yours Sincerely

A handwritten signature in black ink that reads "Debbie Stedman-Scott". The signature is written in a cursive, flowing style.

**BARONESS STEDMAN-SCOTT
MINISTER FOR WORK AND PENSIONS (LORDS)**