



STATUTORY INSTRUMENTS.

**S.I. No. 376 of 2025**

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 5) (BEREAVED PARTNER'S  
PENSION) REGULATIONS 2025

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**SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 5) (BEREAVED PARTNER'S  
PENSION) REGULATIONS 2025**

I, DARA CALLEARY, Minister for Social Protection, in exercise of the powers conferred on me by section 4 (amended by section 14 and reference 1 of the Schedule to the Social Welfare (Miscellaneous Provisions) Act 2024 (No. 24 of 2024)), subsections (1) and (3) of section 123 (amended by section 5 of the Act of 2025), section 123A(4) (inserted by section 6 of the Act of 2025), subsections (2), (3), (4), (5) and (6) of section 125, and subsection (2) of section 241 (amended by section 14 of the Social Welfare (Miscellaneous Provisions) Act 2024) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), with the consent of the Minister for Public Expenditure, Infrastructure, Public Services Reform and Digitalisation, hereby make the following Regulations:

**Citation and construction**

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Bereaved Partner's Pension) Regulations 2025.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2025 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2025.

**Definitions**

2. In these Regulations—

“Act of 2025” means the Social Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Act 2025;

“Principal Regulations” means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007.

**Bereaved Partner's Pension**

3. The Principal Regulations are amended—

(a) in article 3, by the insertion of the following definitions:

“‘bereaved partner's (contributory) pension’ means a pension payable in accordance with Chapter 18 of Part 2 of the Act;

‘qualified cohabitant’ shall be construed in accordance with section 123A;

‘surviving qualified cohabitant’ has the meaning given to it in section 2;”,

- (b) in Part 2, by the substitution of the following Chapter for Chapter 10:

## **“CHAPTER 10**

### **Bereaved Partner’s (Contributory) Pension**

#### **Interpretation.**

79. In this Chapter –

‘existing pensions contributor’ means any person who at any time was, or was deemed to be or treated as, an insured person under the Widows’ and Orphans’ Pensions Acts;

‘pension’ means a bereaved partner’s (contributory) pension payable in accordance with Chapter 18 of Part 2 of the Social Welfare Consolidation Act 2005;

‘relevant contribution condition’ means the contribution condition set out in section 125(1)(b)(ii);

‘relevant period’ means the period over which the yearly average of contributions per contribution year is calculated for pension purposes in accordance with section 125(1)(b)(ii);

‘yearly average’ has the meaning assigned to it by section 123.

#### **Partial satisfaction of contribution conditions for pension.**

80. (1) Where a person would be entitled to pension but for the fact that the relevant contribution condition is not satisfied the person shall be entitled to pension, where the person’s yearly average in the relevant period is not less than 24, at a rate determined in accordance with sub article (2).

(2) In the case of a person to whom sub article (1) applies and who has not attained the age of 66 years, where the yearly average is a number included in one of the bands of numbers specified in column (1) of Schedule 11 to these Regulations, a pension shall be payable at the weekly rate set out in column (2) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average for that person, but any increase payable under section 127 shall be the same as if the contribution condition set out in section 125(1)(b)(ii) had been fully satisfied.

(3) In the case of a person to whom sub article (1) applies and who has attained the age of 66 years, where the yearly average is a number included in one of the bands of numbers specified in column (1) of Schedule 11 to these Regulations, a pension shall be payable at the weekly rate set out in column (3) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average for that person, but any increase payable under section 127 shall be the same as if the

contribution condition set out in section 125(1)(b)(ii) had been fully satisfied.

### **Special partial pension.**

81. (1) In the case of a person who became an employed contributor as a consequence of the coming into operation of section 12 of the Act of 1973 having earlier ceased to be an employed contributor and where there would be entitlement to pension by virtue of the insurance record of that person or that person's deceased partner but for the fact that the relevant contribution condition is not satisfied and there is no entitlement to pension under article 80, the person shall be entitled to pension, where the person's yearly average in the relevant period is not less than 5, at a rate determined in accordance with sub article (2).

(2) In the case of a person to whom sub article (1) applies and who has not attained the age of 66 years, where the yearly average is a number included in one of the bands of numbers specified in column (1) of Schedule 11 to these Regulations, a pension shall be payable at the weekly rate set out in column (2) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average for that person, but any increase payable under section 127 shall be the same as if the contribution condition set out in section 125(1)(b)(ii) had been fully satisfied.

(3) In the case of a person to whom sub article (1) applies and who has attained the age of 66 years, where the yearly average is a number included in one of the bands of numbers specified in column (1) of Schedule 11 to these Regulations, a pension shall be payable at the weekly rate set out in column (3) of that Schedule opposite the relevant band of numbers in column (1) that corresponds to the yearly average for that person, but any increase payable under section 127 shall be the same as if the contribution condition set out in section 125(1)(b)(ii) had been fully satisfied.

### **Reckoning of contributions paid under Widows' and Orphans' Acts.**

82. (1) In determining whether the contribution condition for pension contained in section 125(1)(a) has been satisfied in respect of an existing pensions contributor –

- (a) entry into insurance under the Widows' and Orphans' Pensions Acts shall be treated as entry into insurance under the Principal Act, and
- (b) every 2 contributions paid by or in respect of such contributor under the Widows' and Orphans' Pensions Acts shall be treated as 3 employment

contributions paid under the Principal Act and any odd contribution shall be treated as 2 employment contributions paid under the said Act.

(2) For the purposes of section 125(1)(b) and article 80, the following provisions shall have effect in relation to an existing pensions contributor –

- (a) in determining whether the contribution condition for pension contained in the said section or article, as the case may be, has been satisfied every 2 contributions paid or excused or deemed to have been, or treated as, paid by or in respect of such contributor under the Widows' and Orphans' Pensions Acts since the date of such contributor's entry into insurance under the said Acts shall be treated as 3 contributions paid or credited under the Principal Act and any odd contribution under the Widows' and Orphans' Pensions Act shall be treated as 2 contributions paid or credited under the said Principal Act,
  - (b) any period which is a period of insurance for the purposes of the said Acts commencing with the date of such contributor's entry into insurance under the said Acts shall be treated as a period of insurance under the Principal Act and contribution years in any such period shall be treated as contribution years under the said Act but in relation to a male existing pensions contributor the period from 2 July 1951 to the 4 January 1953, shall be treated as one contribution year, and
  - (c) entry into insurance under the Widows' and Orphans' Pensions Acts may be treated as entry into insurance under the Principal Act.”,
- (c) in article 182 (amended by article 16(d) of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011 (S.I. No. 604 of 2011)) by the substitution of the following paragraphs for paragraph (c):
- “(c) subject to paragraph (ca), in the case of bereaved partner's (contributory) pension, apart from satisfying the condition of making a claim, where the claimant is a surviving qualified cohabitant –
    - (i) whose deceased partner died before 22 January 2024, the period of 6 months from the date of enactment of the Social Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Act 2025, and in such a case, a claim made within the prescribed time shall be payable from 22 January 2024,
    - (ii) whose deceased partner died on or after 22 January 2024 but before the date of enactment of the Social

Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Act 2025, the period of 6 months from the date of enactment of the Social Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Act 2025, and in such a case, a claim made within the prescribed time shall be payable from the date of death of the deceased partner,

(ca) in the case of bereaved partner's (contributory) pension, apart from satisfying the condition of making a claim, where the claimant is a surviving qualified cohabitant-

- (i) who would otherwise be a person to whom subparagraph (i) or (ii) of paragraph (c) applied, but for his or her failure to claim within the prescribed time specified, or
- (ii) the death of the deceased partner occurred after the date of enactment of the Social Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Act 2025,

the provisions of (cb) will apply,

(cb) in the case of -

- (i) guardian's payment (contributory),
- (ii) guardian's payment (non-contributory),
- (iii) one-parent family payment,
- (iv) working family payment,
- (v) back to work family dividend,
- (vi) bereaved partner's (contributory) pension, and
- (vii) bereaved partner's (non-contributory) pension,

the period of 3 months from the day on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto,”

(d) by the insertion of the following articles after article 183:

**“Circumstances in which periods living apart are regarded as periods living together**

183A. (1) For the purposes of sections 123(3) and 123A(4)(b), where a spouse, civil partner or qualified cohabitant, being one of couple who are in an intimate and committed relationship is admitted to a medical institution and subsequently dies in that medical institution or another medical institution without in the meantime being discharged, the period from his or her admission to his or her death shall be regarded as a period during which they lived together—

- (a) in the case of a spouse with his or her spouse, or

- (b) in the case of a civil partner with his or her civil partner, or
  - (c) in the case a qualified cohabitant with his or her qualified cohabitant.
- (2) For the purposes of this article, ‘medical institution’ means—
- (a) a hospital, convalescent home or home for persons suffering from physical or mental disability, or accommodation ancillary thereto, and any other similar establishment providing residence, maintenance or care for the persons therein, or
  - (b) a private dwelling wherein a person is boarded out under an arrangement with the Executive.

### **Evidence in support of application for pension based on qualified cohabitation**

183B. A person who makes an application for any payment or benefit referenced in section 123A(4), based on the fact of he or she having been in a relationship of qualified cohabitation—

- (a) shall furnish in such manner as an officer of the Minister may determine, such certificates, documents, information and evidence of relevance by reference to any of the matters specified in paragraphs (a) to (h) of section 123A(3) as may be required by the said officer for the purposes of determining such application, and
- (b) may furnish any additional information that he or she considers relevant by reference to the matters specified in paragraphs (a) to (h) of section 123A(3).”

and

- (e) in the manner specified in the Schedule.

### **SCHEDULE**

Item No.	Provision affected	Amendment
1	196(1)(b)	Is amended by the substitution of “bereaved partner” for “widow, a widower or a surviving civil partner”).
2	196(1)(c)	Is amended by the substitution of “bereaved partner’s (contributory) pension,” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension,”.
3	201(1)	Is amended

- (a) by the substitution of the following paragraph for paragraph (g): “(g) bereaved partner’s (contributory) pension”,
  - (b) by the deletion of paragraphs (h) and (i),
  - (c) by the substitution of the following paragraph for paragraph (j): “(j) bereaved partner’s (non-contributory) pension”, and
  - (d) by the deletion of paragraphs (k) and (l).
  
- 4 203(1) Is amended by the substitution of the following paragraph for paragraph (f): “(f) bereaved partner’s (contributory) pension by virtue of section 127(1),”.
  
- 5 217(1) Is amended in paragraph (a) by the substitution of “bereaved partner’s (contributory) pension,” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension,”.
  
- 6 218 Is amended-
  - (a) in sub-article (1)(a) by the substitution of “bereaved partner’s (contributory) pension,” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension,”,
  - (b) in sub-article (2)-
    - (i) in paragraph (b) by the substitution of “bereaved partner’s (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), bereaved partner’s (non-contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), widow’s (non-contributory) pension, widower’s (non-contributory) pension or surviving civil partner’s (non-contributory) pension”, and
    - (ii) in paragraph (c) by the substitution of “bereaved partner’s (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), bereaved partner’s (non-contributory) pension” for



“widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), widow’s (non-contributory) pension, widower’s (non-contributory) pension or surviving civil partner’s (non-contributory) pension”,

and

- (c) in sub-article (4)(a) by the substitution of “bereaved partner’s (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), bereaved partner’s (non-contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), widow’s (non-contributory) pension, widower’s (non-contributory) pension or surviving civil partner’s (non-contributory) pension”.

7 219

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Is amended-

- (a) in sub-article (2) by the substitution of “bereaved partner’s (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), guardian’s payment (contributory), bereaved partner’s (non-contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), guardian’s payment (contributory), widow’s (non-contributory) pension, widower’s (non-contributory) pension or surviving civil partner’s (non-contributory) pension”,

and

- (b) in sub-article (3) by the substitution of “bereaved partner’s (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), guardian’s payment (contributory), bereaved partner’s (non-

contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), guardian’s payment (contributory), widow’s (non-contributory) pension, widower’s (non-contributory) pension or surviving civil partner’s (non-contributory) pension”.

8 222(3) Is amended-

- (a) by the substitution of the following paragraphs for paragraphs (h) and (i):

“(h) death benefit by way of bereaved partner’s pension,

(i) bereaved partner’s (contributory) pension,”

and

- (b) by the substitution of the following paragraph for paragraph (k):

“(k) bereaved partner’s (non-contributory) pension,”

9 223A Is amended-

- (a) in sub-article (3)-

(i) in paragraph (a) by the substitution of “bereaved partner’s (contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension, surviving civil partner’s (contributory) pension”,

and

(ii) in paragraph (b) by the substitution of “bereaved partner’s (non-contributory) pension” for “widow’s (non-contributory) pension, widower’s (non-contributory) pension, surviving civil partner’s (non-contributory) pension”,

- (b) in sub-article (5)-

(i) in paragraph (a) by the substitution of “bereaved partner’s (contributory) pension” for “widow’s (contributory) pension, widower’s (contributory)

pension, surviving civil partner's (contributory) pension",

and

- (ii) in paragraph (b) by the substitution of "bereaved partner's (non-contributory) pension" for "widow's (non-contributory) pension, widower's (non-contributory) pension, surviving civil partner's (non-contributory) pension",

- (c) in sub-article (7)-

- (i) by the substitution of the following paragraphs for paragraphs (a) and (b):

"(a) death benefit by way of bereaved partner's pension,

(b) bereaved partner's (contributory) pension,"

and

- (ii) by the substitution of the following paragraph for paragraph (d):

"(d) bereaved partner's (non-contributory) pension, or".

10 223B(1)(c) Is amended-

- (i) in subparagraph (i) by the substitution of "bereaved partner's (contributory) pension" for "widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension",

and

- (ii) in subparagraph (ii) by the substitution of "bereaved partner's (non-contributory) pension" for "widow's (non-contributory) pension, widower's (non-contributory) pension, surviving civil partner's (non-contributory) pension,".

11 223F(2) Is amended-

- (i) by the substitution of the following paragraph for paragraph (e):

"(e) bereaved partner's (contributory) pension;"

- (ii) by the deletion of paragraphs (f) and (g),

(iii) by the substitution of the following paragraph for paragraph (k):

“(k) bereaved partner’s (non-contributory) pension;”,

and

(iv) by the deletion of paragraphs (l) and (m).

12 232(1) Is amended, in the definition of ‘benefit’ by the substitution of “bereaved partner’s (contributory) pension” for “widow’s (contributory) pension, widower’s (contributory) pension or surviving civil partner’s (contributory) pension”.

13 233A Is amended in the definition of ‘benefit’-

(i) by the substitution of the following paragraph for paragraph (f):

“(f) bereaved partner’s (contributory) pension;”,

and

(ii) by the substitution of the following paragraph for paragraph (k):

“(k) bereaved partner’s (non-contributory) pension;”.

I hereby certify that, in exercise of the powers conferred on me by section 4(7), any provisions in these Regulations that amend provisions in the Principal Regulations made under section 125(2) are substantially to the like effect as the existing provisions in the Principal Regulations, and that a requirement that a draft of these Regulations be laid before each House of the Oireachtas shall not apply.

The Minister for Public Expenditure, Infrastructure, Public Services Reform and Digitalisation consents to the making of the foregoing Regulations.



GIVEN under my Official Seal,  
29 July, 2025.

JACK CHAMBERS,  
Minister for Public Expenditure, Infrastructure, Public  
Service Reform and Digitalisation.



GIVEN under my Official Seal,  
29 July, 2025.

DARA CALLEARY,  
Minister for Social Protection.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

Part 2 of the Social Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Act 2025 amends the Social Welfare Consolidation Act 2005 to provide for:

- the expansion of the eligibility criteria for the Widow's, Widower's and Surviving Civil Partner's Contributory Pension to include certain surviving qualified cohabitants.
- the circumstances in which entitlement to a payment will cease.
- the amendment of other related schemes such as the Widowed Parent Grant, the Widow's, Widower's or Surviving Civil Partner's Pension payable under the Occupational Injuries Benefit and the Widow's, Widower's or Surviving Civil Partner's (Non-Contributory) Pension to provide access to these schemes for surviving qualified cohabitants.
- a change in the name of these schemes to the Bereaved Partner's (Contributory) Pension, the Bereaved Partner's (Non-Contributory) Pension and the Bereaved Parent's Grant.

Consequential to these changes, these Regulations make provision for the documentary proof to be provided by a person in support of a claim based on the person being a surviving qualified cohabitant.

In addition, the Regulations specify that periods of residence in a medical institution may be deemed to be periods when a couple are living together.

These Regulations also provide for a once-off provision that allows for surviving qualified cohabitants to be paid from 22 January 2024, in the case of deaths that occurred before that date, or from the date of death for any death that occurred on or after that date, provided the claim is made within six months of enactment. In all other cases the prescribed time for making a claim remains at three months.

These Regulations also make consequential amendments to reflect the changes needed as a result of the change of the name of the schemes.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
BÓTHAR BHAILE UÍ BHEOLÁIN,  
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