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STATUTORY INSTRUMENTS

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**1987 No. 1850**

**The Local Government Superannuation  
(Scotland) Regulations 1987**

**PART E  
BENEFITS**

**Amounts of children's short-term and long-term pensions**

**E9.**—(1) Subject to paragraph (2), the annual rate of a children's short-term pension is the rate at which a widow's short-term pension is or would have been payable by virtue of regulation E6(1).

(2) Where a widow's short-term pension is payable by virtue of regulation E5(5), the children's short-term pension rate specified in paragraph (1) is reduced by the rate of that pension.

- (3) Subject to paragraphs (4) and (5), the annual amount of a children's long-term pension is—
- (a) where there is one eligible child and he is in the care of a widow of the deceased person, one quarter of the deceased person's retirement pension,
  - (b) where there is one eligible child and he is not in the care of such a widow, one third of the retirement pension,
  - (c) where there are two or more eligible children and—
    - (i) half or more of them are in the care of such a widow, or
    - (ii) fewer than half of them are in the care of such a widow but a widow's pension under regulation E5 is for the time being payable,one half of the retirement pension, and
  - (d) where there are two or more eligible children and fewer than half of them are in the care of such a widow and no such widow's pension is payable, two thirds of the retirement pension.
- (4) For the purposes of paragraph (3)—
- (a) the retirement pension of a deceased person who died while in local government employment shall be deemed to be the retirement pension to which he would have become entitled if regulation E2(1)(b)(i) (permanent ill-health, etc.) had applied,
  - (b) the retirement pension of a person who was entitled at the time of his death to preserved benefits shall be deemed to be the retirement pension to which he would have become entitled if regulation E2(1)(b)(ii) (retirement on or after pensionable age) had applied,
  - (c) the retirement pension of a person who was entitled at the time of his death to receive payments in respect of a retirement pension shall be deemed to be the retirement pension that would have been payable but for—
    - (i) any increase under regulation E3(2) (certain cases where additional service is reckonable),

- (ii) any reduction under regulation E3(14) (early payments) or E15 (re-employed pensioners) or E32 (National Insurance), and
- (iii) any surrender under regulation E20, and
- (d) where a children's long-term pension is payable under paragraph (3)(b) or (d) and a widow's long-term pension is payable under regulation E5(5) the amount of the children's long-term pension shall not exceed an amount equal to the difference between—
  - (i) the aggregate amount that would have been payable by way of widow's and children's long-term pensions had the post-retirement marriage been a pre-retirement marriage, and
  - (ii) the long-term widow's pension payable under regulation E5(5),

and for the purposes of sub-paragraphs (a) and (b) it is to be assumed that the pension to which the person would have become entitled would not have been subject to any increase under regulation E3(2) or reduction under regulation E3(14), and that there has been no surrender under regulation E20.

(5) If a child in respect of whom a children's long-term pension is payable has attained the age of 17 years and is receiving remuneration in respect of full-time training for a trade, profession or calling at an annual rate in excess of the indexed training rate defined in paragraph (6), then—

- (a) the annual rate of the pension is to be reduced by the amount of the excess, or
- (b) the child is to be disregarded for the purpose of calculating the pension, whichever results in the smaller reduction in its annual rate.

(6) In paragraph (5) "the indexed training rate" means the annual rate at which an official pension within the meaning of the Pensions (Increase) Act 1971(1) would for the time being be payable if it had begun on 1st June 1972 and had then been payable at an annual rate of £250.

(7) The appropriate administering authority may—

- (a) apportion a children's pension among the eligible children in respect of whom it is for the time being payable in such shares as they think fit, and
- (b) pay the pension or any part of it to a person other than an eligible child, to be applied in accordance with any directions they may give for the benefit of any eligible child or eligible children.