

## SCHEDULE

### Benefit Limits

#### Part III

#### Dependants' Pensions

13.—(1) Where only one dependant's pension is payable the annual rate of that pension under these Regulations shall not be such as to cause the total of the annual rates of the relevant benefits to exceed the permitted amount.

(2) For the purposes of sub-paragraph (1) the relevant benefits are—

- (a) the dependant's pension; and
- (b) any similar pension payable to the dependant under the Principal Regulations or under a free-standing additional voluntary contributions scheme to which contributions were paid while the participator was employed in reckonable service,

and the permitted amount is 2/3rds of the maximum retirement pension.

(3) Where two or more dependants' pensions are payable—

- (a) the annual rate of each such pension shall not be such as to cause the annual rates of the relevant benefits payable to the dependant in question to exceed the permitted amount referred to in sub-paragraph (2); and
- (b) the total of the annual rates of such pensions shall not be such as to cause the total of the annual rates of the relevant benefits to exceed that permitted amount.

(4) For the purposes of sub-paragraph (3) the relevant benefits are—

- (a) the dependants' pensions; and
- (b) any similar pensions payable as mentioned in sub-paragraph (2)(b),

and for the purposes of paragraph (3)(b) the permitted amount is the annual rate of the maximum retirement pension.

(5) Subject to sub-paragraph (6), the maximum retirement pension is the participator's permitted amount calculated in accordance with paragraphs 8 to 12 but disregarding any retained benefits.

(6) In calculating the maximum retirement pension—

- (a) if the participator died whilst employed in reckonable service and before attaining his 60th birthday, it shall be assumed that he continued employment in reckonable service at the same salary up to, and retired on, his 60th birthday; and
- (b) if the participator died whilst employed in reckonable service and had attained his 60th birthday, it shall be assumed that he retired on the day before the date of his death.