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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 333**

**Teachers' Superannuation Regulations (Northern Ireland) 1998**

**Part E**

**Benefits**

**Death grants**

**E20.**—(1) Subject to paragraph (6), if at the time of his death a person—

- (a) was in pensionable employment; or
- (b) was paying additional contributions under regulation C6 and C7; or
- (c) had, not more than 12 months earlier, ceased to be in pensionable employment while incapacitated,

a death grant shall be paid.

(2) The amount of a death grant under paragraph (1) shall be twice his average salary less the amount of any retirement lump sum or short service incapacity grant previously paid to him.

(3) Subject to paragraph (6), if a person who has ceased after 31st March 1972 to be in pensionable employment dies without having become entitled to payment of retirement benefits and—

- (a) the qualifying condition referred to in paragraph (4) is satisfied; and
- (b) no death grant could be paid under paragraph (1),

a death grant shall be paid under this paragraph.

(4) The qualifying condition—

- (a) if he ceased to be in pensionable employment before 2nd November 1998, is that he was entitled to count at least 2 years' reckonable service; and
- (b) in any other case, is that he was so entitled and was qualified for retirement benefits,

but where sub-paragraph (a) applies it shall be assumed for the purpose of calculating the death grant that he was qualified for retirement benefits.

(5) The amount of a death grant under paragraph (3) is the amount that would have become payable by way of retirement lump sum if he had become entitled under regulation E4(2) to payment of retirement benefits, less the amount of any retirement lump sum or short service incapacity grant previously paid to him.

(6) If a person who has at any time been in pensionable employment dies and—

- (a) no death grant could be paid under paragraph (1) or (3); or
- (b) the amount of such a death grant would be smaller and no pension becomes payable under regulation E26 to a surviving spouse or a nominated beneficiary,

a death grant equal to the balance of his contributions, calculated in accordance with regulation C10 as at the date of his death, shall be paid.

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**Status:** This is the original version (as it was originally made).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

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(7) Where any death grant is paid under this regulation it shall be paid to the individual nominated by the deceased to receive the grant or, in the absence of such a nomination—

- (a) if the deceased is survived by one widow or by a widower, to that widow or widower;
- (b) if there are two or more widows to the widows in equal shares; or
- (c) if there is no widow or widower, to the personal representatives.

(8) Any nomination for the purposes of paragraph (7) shall be made by giving written notice to the Department.