
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 352

**Local Government Pension Scheme
Regulations (Northern Ireland) 2002**

PART II

PRIMARY PROVISIONS

CHAPTER IV

BENEFITS

Children's pensions

Dependants of re-employed pensioners

50.—(1) If –

- (a) after a member became entitled to an unreduced retirement pension, he entered further local government employment in which he died; and
- (b) assuming that immediately before he died he had retired from the further employment, he would have been entitled to elect under regulation 31 for a single pension,

the benefits payable under the Scheme on his death (except short-term pensions) and any surrendered benefits must be calculated in the case of each beneficiary using whichever of assumptions A and B gives that beneficiary the most favourable benefits.

(2) Assumption A is that the deceased did so retire and assumption B is that he did so retire and so elect.

(3) An unreduced retirement pension is a pension which is not reduced under regulation 33(4) (early leavers).

(4) Where –

- (a) a member dies in a new employment; and
- (b) assuming he had retired from it on the date he died, he would have been entitled to a retirement pension under this Chapter (whether payable immediately or not),

the short-term pension under regulation 42 is the sum of –

- (i) his final pay in the new employment, and
- (ii) the rate at which his retirement pension from his former employment is payable (after taking into account any reduction under regulation 113 (application of abatement policy in individual cases)).

(5) Where a member dies in a new employment, the long-term pension under regulation 43 is the greater of amount A or amount B.

(6) Amount A is half the sum of –

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- (a) the member's retirement pension; and
 - (b) the retirement pension to which he would have been entitled if on the date of death he had become entitled to a pension under regulation 29(1) (ill-health) from the new employment.
- (7) Amount B is half the retirement pension to which the member would have been entitled if on the date of death he had become entitled under regulation 29(1) and had elected under regulation 31 for a single pension.
- (8) Amount A and amount B are both to be calculated on the basis that the retirement pensions have not been –
- (a) reduced by virtue of a surrender under regulation 36; or
 - (b) increased under regulation 56 (effect of increases under Chapter II of Part III for older members).