
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 120

**The Health and Social Care Pension Scheme
Regulations (Northern Ireland) 2015**

PART 6

Survivor benefits

CHAPTER 2

Child survivor

Amount of child pension: re-employed pensioners

127.—(1) This regulation applies to determine the annual amount of pension payable under regulation 120 if, at the date of death, the deceased was—

- (a) an active member of this scheme; and
- (b) a pensioner member of this scheme.

(2) If there is no surviving adult, in relation to the period of 6 months starting on the day after the date of death, the rate of pension is equal to the sum of—

- (a) the rate of the deceased's pensionable earnings at the date of death; and
- (b) the rate of the pension being received by the deceased at the date of death.

(3) In paragraph (2), rate of pensionable earnings for a member who was a practitioner or non-GP provider is the rate during the last complete quarter before the member's death.

(4) Apart from paragraph (2), the amount is the appropriate fraction of—

- (a) if, at the date of death, the deceased has not reached normal pension age, the amount found by applying the formula in regulation 122(3);
- (b) in any other case, 67.5% of the pension to which the deceased would have been entitled under regulation 73 (see paragraph 1 of Schedule 11).

(5) The appropriate fraction is as determined by regulation 122(4).

(6) Paragraph (7) applies if a eligible child was dependent both—

- (a) at the time when the pensionable service in respect of which the pension is payable ceased; and
- (b) at the date of death.

(7) The amount is the sum of—

- (a) the amount payable under regulation 122 in respect of the deceased's new employment—
 - (i) if paragraph (1)(b) of that regulation did not apply; and
 - (ii) ignoring paragraph (b) of element B in the formula in paragraph (3) of that regulation; and

- (b) the amount found under regulation 123(3)(a) in respect of the deceased's old employment if paragraph (1)(b) of that regulation did not apply.
- (8) For the purposes of paragraph (7)—
 - (a) if the aggregate of the periods of pensionable service taken into account in determining the amounts under sub-paragraphs (a) and (b) is less than 10 years, the period to be taken into account for the purposes of paragraph (a) must be increased by a period equal to the length of the difference;
 - (b) “new employment” and “old employment” must be construed in accordance with Chapter 7 of Part 5.

Changes to legislation:

There are currently no known outstanding effects for the The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015, Section 127.