

## SCHEDULES

### SCHEDULE 1

#### Amendments to the 2015 Scheme

5. In Part 6 (death benefits)—
- (a) in Chapter 1 (interpretation) in regulation 85 (meaning of “initial period”) for “For the purposes of this Part” substitute “For the purposes of these Regulations”;
  - (b) in Chapter 2 (pensions for surviving partners)—
    - (i) in paragraph (3) of regulation 86 (surviving partner’s pension payable on death of active member) for “Subject to regulation 90 (reduction in pensions in cases of wide age disparity)” substitute “Subject to paragraph (4) and regulation 90 (reduction of pensions in cases of wide age disparity)”;
    - (ii) after paragraph (3) of regulation 86 insert—

“(4) Where the member referred to in paragraph (1) was a transition member who had additional pension benefit under article 17A or 17B of Part 3(1) of the NFPS or additional pension benefit under article 16B or 16C(2) of the FPS, half the amount of additional pension benefit is added to the amount of the annual rate of the surviving partner’s pension referred to in paragraph (3).”;
    - (iii) at the beginning of paragraph (2) of regulation 94 (eligible child’s pension on death of active member) insert “Subject to paragraph (3)” and after that paragraph insert—

“(3) Where the member referred to in paragraph (1) was a transition member who had additional pension benefit under article 17A or 17B of Part 3 of the NFPS or additional pension benefit under article 16B or 16C of the FPS, the amount of the additional pension benefit is added to the amount of the higher tier ill-health pension referred to in paragraph (2).”;
  - (c) in Chapter 4 (lump sum death benefits), after paragraph (4) in regulation 101 (meaning of “final pay”) insert—

“(5) Where the member referred to in paragraph (1) is a transition member and was in pensionable service under the FPS or the NFPS, as the case may be, during the period referred to in paragraph (1)(a) or (1)(b) and service from that scheme is included in the qualifying service for the pension account in respect of which the lump sum death benefit is paid—

    - (a) pensionable pay in paragraph (1)(a) or (1)(b) includes average pensionable pay construed in accordance with article 56 of the FPS where the person was a member of the FPS or pensionable pay under article 61 or article 62 of Part 11 of the NFPS where the person was a firefighter or special firefighter member of the NFPS, and
    - (b) pensionable service includes pensionable service construed in accordance with article 45 of the FPS, where the person was a member of the FPS or pensionable service construed in accordance with articles 56 to 59 of Part 10 of the NFPS.”;

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(1) Articles 17A and 17B were inserted by [S.R. 2008 No. 381](#) and amended by [S.R. 2014 No. 168](#).

(2) Articles 16B and 16C were inserted by [S.R. 2008 No. 382](#) and amended by [S.R. 2014 No. 169](#).

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

- (d) after paragraph (3) of regulation 104 (lump sum payable on death of active member) insert—

“(4) Where the active member’s account in respect of which the lump sum death benefit will be paid included pensionable service reckonable under article 45 of the FPS as qualifying service and a dependent relative’s gratuity has been paid under article 38 of the FPS or the payment of the balance of contributions to estate has been paid under article 39 of the FPS those amounts must be deducted from the amount of lump sum death benefit payable under this regulation.”.