
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 76

The Judicial Pensions Regulations (Northern Ireland) 2015

PART 8

Death benefits

CHAPTER 2

Pensions for eligible children

Meaning of “eligible child's pension”

102. In these Regulations, “eligible child's pension” means any of the following pensions payable under this Part—

- (a) a child's earned pension;
- (b) a child's ill-health pension;
- (c) a child's added pension.

Meaning of “eligible child”

103.—(1) In these Regulations, “eligible child”, in relation to a deceased member of this scheme, means—

- (a) a natural child of the member where—
 - (i) the child meets any of conditions A to C; and
 - (ii) at the date of the member's death the child was born or the child's mother was pregnant with the child;
- (b) an adopted child of the member who meets any of the conditions A to C; or
- (c) any other child or young person who—
 - (i) meets any of the conditions A to C; and
 - (ii) in the opinion of the scheme manager, was financially dependent on the member as at the date of the member's death.

(2) Condition A is that the person is under the age of 18.

(3) Condition B is that the person is in full-time education or vocational training and is under the age of 23.

(4) Condition C is that in the opinion of the scheme manager the person is unable to engage in gainful employment because of physical or mental impairment and either—

- (a) the person is under the age of 23; or
- (b) that impairment is likely to be permanent and the person is dependent on the member as at the date of the member's death because of physical or mental impairment.

Status: Point in time view as at 18/02/2015.

Changes to legislation: The Judicial Pensions Regulations (Northern Ireland) 2015, CHAPTER 2 is up to date with all changes known to be in force on or before 06 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(5) For the purpose of Condition B, a person who is under the age of 19 on the date on which the person stops full-time education or vocational training is taken to be in full-time education until the first of the following dates after the person stops full-time education or vocational training—

- (a) the second Monday in January;
- (b) the second Monday after Easter Monday;
- (c) the second Monday in September;
- (d) the date on which the person becomes engaged full-time in gainful employment;
- (e) the person's 19th birthday.

(6) For the purpose of Condition B, a person who is under the age of 22 at the date of the member's death is taken to be in full-time education or vocational training if the person has temporarily stopped full-time education or vocational training for a period of up to 15 months ("gap period").

(7) Nothing in paragraph (6) requires an eligible child's pension to be paid to a person during a gap period.

Eligible child's pension

104.—(1) This regulation applies if a member of this scheme dies leaving an eligible child.

(2) An eligible child's pension is only payable in respect of such period or periods during which a child or young person is an eligible child.

(3) An eligible child's pension is not payable in respect of any period before a child's birth.

(4) An eligible child's pension is payable in respect of an eligible child as follows—

- (a) a child's earned pension is payable if the member was entitled to the immediate payment of a full retirement pension as at the date of the member's death or the member would have become entitled to such a pension had the member not died;
- (b) a child's ill-health pension is payable if an ill-health pension was payable to the member as at the date of the member's death;
- (c) a child's added pension is payable if the member was entitled to the immediate payment of an added (all beneficiaries) pension as at the date of the member's death or would have become entitled to such a pension had the member not died.

Annual rate of eligible child's pension

105.—(1) The annual rate of an eligible child's pension is determined by reference to the annual rate of the corresponding surviving adult's pension (disregarding any reduction falling to be made under regulation 101) whether or not a surviving adult's pension is payable on the death of the member.

(2) For the purposes of this regulation, the corresponding surviving adult's pensions are—

- (a) for a child's earned pension, a dependant's earned pension;
- (b) for a child's ill-health pension, a dependant's ill-health pension;
- (c) for a child's added pension, a dependant's added pension.

(3) If a surviving adult's pension is payable on the death of the member—

- (a) if an eligible child's pension is payable in respect of only one eligible child, the annual rate of eligible child's pension is equal to 80% of the annual rate of the corresponding surviving adult's pension; and

- (b) if an eligible child's pension is payable in respect of 2 or more eligible children, the annual rate of eligible child's pension payable to each eligible child is equal to the appropriate fraction of 80% of the annual rate of the corresponding surviving adult's pension.
- (4) If a surviving adult's pension is not payable on the death of the member—
 - (a) if an eligible child's pension is payable in respect of only one eligible child, the annual rate of eligible child's pension is equal to the annual rate of the corresponding surviving adult's pension multiplied by 4 and divided by 3; and
 - (b) if an eligible child's pension is payable in respect of 2 or more eligible children, the annual rate of eligible child's pension payable to each eligible child is equal to the appropriate fraction of the annual rate of the corresponding surviving adult's pension multiplied by 4 and divided by 3.
- (5) In this regulation, “the appropriate fraction” means
 Y is the number of eligible children in respect of whom an eligible child's pension is payable immediately after the date of the member's death.

Status:

Point in time view as at 18/02/2015.

Changes to legislation:

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