

## SCHEDULE

Regulations 4(3), 6(2) and 8(2)

### Eligible decision-makers for deceased members

#### **Interpretation**

1.—(1) In this Schedule—

“beneficiary” means a person who has become entitled to receive any death benefit;

“child”, except in the term “eligible child”, means a person under the age of 18;

“death benefit” means a benefit payable under a firefighters’ pension scheme in relation to a member of that scheme who has died;

“election” means an opted-out service election, an immediate choice decision or a deferred choice decision;

“eligible decision-maker” means the person who may make—

- (a) an opted-out service election in accordance with regulation 6(2)(b);
- (b) an immediate choice decision in accordance with regulation 8(2)(b);
- (c) a deferred choice decision in accordance with regulation 12(2)(b).

“surviving partner” has the meaning given in regulation 84 of the 2015 Regulations.

(2) In this Schedule, a reference to—

(a) a beneficiary is a reference to—

- (i) a person who is a beneficiary of death benefits in relation to M’s remediable service as a firefighter, or
- (ii) where the benefits in relation to M’s remediable service as a firefighter are legacy scheme benefits, a person who would be a beneficiary of death benefits in relation to M’s remediable service as a firefighter if the benefits in relation to that service were reformed scheme benefits;

(b) an eligible child is a reference to an eligible child of M;

(c) M is a reference to the remedy member in respect of whose remediable service as a firefighter an election may be made;

(d) a surviving partner is a reference to a surviving partner in relation to M.

#### **Sole beneficiary: an adult**

2. Where a person is—

- (a) the sole beneficiary, and
- (b) an adult,

the eligible decision-maker is that person.

#### **Sole beneficiary: a child**

3. Where a person (“C”) is—

- (a) the sole beneficiary, and
- (b) a child,

the eligible decision-maker is C’s parent or guardian.

*Status: This is the original version (as it was originally made).*

**Sole beneficiary: a body**

4. Where a body (whether corporate or unincorporate) is the sole beneficiary, the eligible decision-maker is—

- (a) M's personal representative, or
- (b) where M has no personal representative, the scheme manager.

**Sole beneficiary: M's estate**

5. Where M's estate is the sole beneficiary, the eligible decision-maker is M's personal representative.

**Multiple beneficiaries: including a surviving partner**

6. Where—

- (a) two or more adults are the only beneficiaries, and
- (b) one of those adults is a surviving partner ("A"),

the eligible decision-maker is A.

**Multiple beneficiaries: including adult eligible children**

7.—(1) Where—

- (a) two or more adults are the only beneficiaries,
- (b) none of those adults is a surviving partner, and
- (c) two or more of those adults are eligible children,

the eligible decision-maker is determined in accordance with sub-paragraph (2).

(2) The eligible decision-maker is—

- (a) the person agreed upon by the adult eligible children, or
- (b) where no decision about whether to make an election has been received by the scheme manager by the day four weeks before an election must, in accordance with these Regulations, be received by the scheme manager, the scheme manager.

**Multiple beneficiaries: nominated individuals only**

8.—(1) Where—

- (a) two or more adults (the "nominated adults") are beneficiaries of a lump sum death benefit, and
- (b) none of the following are beneficiaries—
  - (i) a surviving adult, or
  - (ii) an eligible child (whether or not an adult),

the eligible decision-maker is determined in accordance with sub-paragraph (2).

(2) The eligible decision-maker is—

- (a) M's personal representative;
- (b) where M has no personal representative, the person agreed upon by the nominated adults;
- (c) where—
  - (i) M has no personal representative, and

- (ii) no decision about whether to make an election has been received by the scheme manager by the day four weeks before an election must, in accordance with these Regulations, be received by the scheme manager,  
the scheme manager.

**Multiple beneficiaries: non-adult eligible children**

9. Where the only beneficiaries are children, two or more of which are eligible children, the eligible decision-maker is—

- (a) where one person has parental responsibility for all the eligible children, that person;
- (b) otherwise—
  - (i) M's personal representative, or
  - (ii) where M has no personal representative, the scheme manager.

**Multiple beneficiaries: nominated children only**

10. Where the only beneficiaries of lump sum death benefits are two or more children who are not eligible children, the eligible decision-maker is—

- (a) where one person has parental responsibility for all the children, that person;
- (b) otherwise—
  - (i) M's personal representative, or
  - (ii) where M has no personal representative, the scheme manager.

**Multiple beneficiaries: one or more adults and one or more children**

11.—(1) Where the beneficiaries include one or more adults and one or more children—

- (a) M's personal representative is the eligible decision-maker;
- (b) where M has no personal representative, and—
  - (i) one of the beneficiaries is a surviving partner, that surviving partner is the eligible decision-maker;
  - (ii) none of the beneficiaries is a surviving partner and—
    - (aa) one or more of the beneficiaries is an eligible child, or
    - (bb) none of the beneficiaries is an eligible child,

the eligible decision-maker is determined in accordance with sub-paragraph (2).

(2) Where sub-paragraph (1)(b)(ii) applies, and—

- (a) all relevant children are under 18 and—
  - (i) have the same guardian, the eligible-decision maker is that guardian;
  - (ii) do not have the same guardian, the eligible decision-maker is the scheme manager;
- (b) all relevant children are 18 or over, the eligible decision-maker is—
  - (i) the person agreed upon by those relevant children, or
  - (ii) where no decision about whether to make an election has been received by the scheme manager by the day four weeks before an election must, in accordance with these Regulations, be received by the scheme manager, the scheme manger;
- (c) one or more relevant children are under 18 and one or more of the relevant children are 18 or over, the eligible decision-maker is the person agreed upon by—

**Status:** This is the original version (as it was originally made).

- (i) the relevant children who are 18 or over, and
  - (ii) the guardian (or guardians) of the relevant children who are under 18.
- (3) In sub-paragraph (2), a relevant child is—
- (a) where sub-paragraph (1)(b)(ii)(aa) applies, an eligible child;
  - (b) where sub-paragraph (1)(b)(ii)(bb) applies, a person who meets one of the conditions in regulation 93(3) to (5) of the 2015 Regulations.

**Other cases**

12. In any case not covered by paragraphs 2 to 11, the eligible decision-maker is the scheme manager.