

SCHEDULE 5

Regulation K3

Persons Qualifying for Children's Pensions

1. In this Schedule "the deceased" means the person on whose death a children's pension is or may be payable under regulation K3, and "child" has the same meaning as in that regulation.

2. For the purposes of regulation K3 a child shall be treated as within his period of full-time education while—

- (a) he is receiving full-time instruction at any university, college, school or other educational establishment; or
- (b) he is undergoing full-time or substantially full-time training for any trade, profession or vocation; and any question arising under this paragraph shall be determined by the Trustees.

3. A child shall not be treated as a relevant child for the purposes of regulation K3—

- (a) as being an illegitimate or adopted child of the deceased; if he was born or adopted, as the case may be, after the termination of the marriage or last marriage of the deceased; or
- (b) as being the child of a wife of the deceased, if he was born or became her child after the termination of her marriage with the deceased;

unless, in the case of an adopted child falling within sub-paragraph (a) or sub-paragraph (b) of this paragraph, the Trustees, if satisfied that before the material event therein mentioned the deceased (or, as the case may be, the deceased and his wife) had already formed the intention of adopting the child, and that the child was then wholly or mainly dependent on the deceased, direct that the child shall be treated as a relevant child.

4. A child shall not be treated as a relevant child for the purposes of regulation K3 as being—

- (a) the illegitimate child of the deceased; or
- (b) a child of a wife of the deceased,

unless the child was wholly or mainly dependent on the deceased; at the time of his death.

5. A female child shall not be treated as a relevant child for the purposes of regulation K3 if, at the date of the death of the deceased, she is married to or cohabiting with another person; and a female child who thereafter marries or cohabits with another person shall thereupon cease to be a relevant child unless and until the Trustees, being satisfied that the marriage or cohabitation has been terminated and that for exceptional reasons it is proper to do so, direct that she shall be so treated.

6. Where the deceased was a woman, no child of any marriage of hers shall be a relevant child for the purposes of regulation K3 if the father of the child was living at the death of the deceased unless—

- (a) the Trustees for exceptional reasons direct that the child shall be so treated; or
- (b) the actual period of reckonable service as a participant of the deceased includes service on or after 17th May 1990,

and, if (b) applies, the pension payable to the child shall be that proportion of the pension calculated in accordance with regulation K3(2) which is attributable to that part of the aggregate period of reckonable service as a participant of the deceased which accrued on or after 17th May 1990.