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STATUTORY INSTRUMENTS

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**1995 No. 1019**

**The Local Government Pension Scheme Regulations 1995**

**PART E**

**DEATH GRANTS**

**Death of a member**

**E1.**—(1) If at the time of his death a person was a member, his personal representatives are entitled to receive a lump sum death grant.

(2) Where paragraph (1) applies the amount of the death grant is an amount equal to twice the deceased's pensionable remuneration, less, in a case where a surviving spouse's long-term pension is payable under Part F, the appropriate amount to be deducted under regulation E5.

*Death of a deferred pensioner*

**Death grant: deferred pensioners**

**E2.**—(1) If at the time of his death a person—

- (a) was in local government employment and had a statutory pension entitlement, but was not a member by virtue of a notification under regulation B12(2) (leaving the scheme), or
- (b) was entitled to preserved benefits, his personal representatives are entitled to receive a lump sum death grant.

(2) Where paragraph (1) applies the amount of the death grant is three eightieths of the deceased's pensionable remuneration, multiplied by the length in years of the period of membership taken into account in calculating his retirement pension, less, in a case where a surviving spouse's long-term pension is payable under Part F, the appropriate amount to be deducted under regulation E5.

*Death of a pensioner*

**Death grant: pensioners with 10 years' or more membership**

**E3.**—(1) If at the time of his death a person—

- (a) was entitled to receive payments in respect of a retirement pension calculated by reference to a period of membership of 10 years or more (other than a pension under regulation D17 or D19), or
- (b) would have been so entitled but for the operation of Schedule D5 (re-employed pensioners),

his personal representatives are entitled to receive a lump sum death grant.

(2) Where the deceased became entitled to the retirement pension otherwise than by virtue of regulation D9 or D11, the amount of the death grant is the greater of—

- (a) the deceased's pensionable remuneration, and
  - (b) three eightieths of his pensionable remuneration, multiplied by the length in years of the period of membership taken into account in calculating his retirement pension,
- reduced by the total of—
- (i) any retirement grant paid to him,
  - (ii) any payments which were or, apart from any reduction under regulation H2 (national insurance) or Schedule D5 (re-employed pensioners) or partial surrender under regulation D14, would have been made to him in respect of retirement pension, and
  - (iii) if a surviving spouse's long-term pension is payable under Part F, the appropriate amount to be deducted under regulation E5.
- (3) Where the deceased became entitled to the retirement pension by virtue of regulation D9 or D11, the amount of the death grant is the greater of—
- (a) the amount mentioned in paragraph (2)(b) (less the relevant deductions), and
  - (b) such proportion of the amount of the deceased's pensionable remuneration (after subtracting the amount of the relevant deductions) as the length in years of the period of membership taken into account in calculating his retirement pension bears to the length in years of the period of membership he would have had at his NRD.
- (4) In paragraph (3) "the relevant deductions" means the sum of—
- (a) the amount that would be the appropriate amount under regulation E5(2) or (3) if that regulation applied, and
  - (b) the total of any payments made to him in respect of retirement pension and retirement grant.

**Death grant: pensioners with less than 10 years' membership**

**E4.—(1)**

**E4.—(1)** If at the time of his death a person—

- (a) was entitled to receive payments in respect of a retirement pension calculated by reference to a period of membership of less than 10 years (excluding a pension to which he would not be entitled apart from regulation D17 or D19), or
- (b) would have been so entitled but for the operation of Schedule D5 (re-employed pensioners),

his personal representatives are entitled to receive a lump sum death grant.

(2) The amount of the death grant payable under paragraph (1) in a case where—

- (a) the deceased became entitled to the retirement pension by virtue of regulation D9 or D11, and
- (b) the period of membership that would have been taken into account in calculating a retirement pension if he had remained in his local government employment until his NRD is 10 years or more,

is the greater of—

- (i) three eightieths of his pensionable remuneration, multiplied by the length in years of the period of membership taken into account in calculating his retirement pension (less the relevant deductions), and
- (ii) such proportion of the amount of the deceased's pensionable remuneration (after subtracting the amount of the relevant deductions) as the length in years of the period of membership taken

into account in calculating his retirement pension bears to the length in years of the period of membership he would have had at his NRD;

and in this paragraph “the relevant deductions” has the same meaning as in regulations E3(4).

(3) The amount of the death grant payable under paragraph (1) in a case where the deceased became entitled to the retirement pension otherwise than by virtue of regulation D9 or D11 or of regulation E2(1)(d) of the 1986 regulations, is an amount equal to the total amount that would (or would but for Schedule D5 (re-employed pensioners) or his death, or both) have been paid to him by way of retirement pension for the first 5 years after he became (or would but for Schedule D5 have become) entitled to receive payments in respect of the pension, reduced—

- (a) by the total of any payments made to him in respect of retirement pension, or
- (b) where the pension—
  - (i) was reduced under regulation D13 (early payment) or regulation H2 (national insurance) or Schedule D5 (re-employed pensioners), or
  - (ii) had been partially surrendered under regulation D14,by the amount which would have been paid in respect of the pension but for the reduction or surrender.

(4) The amount of the death grant payable under paragraph (1) in a case where—

- (a) the deceased became entitled to the retirement pension by virtue of regulation D9 or D11, and
- (b) the period of membership that would have been taken into account in calculating a retirement pension if he had remained in his local government employment until his NRD is less than 10 years,

is such proportion of the amount mentioned in paragraph (3) (less the total of any payments made to him in respect of retirement pension) as the length in years of the period of membership taken into account in calculating his retirement pension bears to the length in years of the period of membership he would have had at his NRD.

#### *General provisions relating to death benefits*

#### **Surviving spouse deductions from certain death grants**

**E5.**—(1) A death grant is reduced under this regulation by the appropriate amount if—

- (a) it is payable under regulation E1, E2 or E3(2), and
- (b) a surviving spouse’s long-term pension is payable under Part F.

(2) Where—

- (a) the deceased was a man, or
- (b) the deceased was a woman who was treated as a man by virtue of paragraph 2 of Schedule F1,

the appropriate amount for the purposes of paragraph (1) is an amount equal to two eightieths of the deceased’s pensionable remuneration multiplied by the length in years of any period of membership before 1st April 1972 in respect of which the widow’s, or as the case may be, widower’s pension is payable under Part F.

(3) Where the deceased was a woman (other than one to whom paragraph (2)(b) applies), the appropriate amount for the purposes of paragraph (1) is an amount equal to—

- (a) one one hundred and sixtieth of the deceased’s pensionable remuneration, multiplied by the length in years of any period—

- (i) notice of which was given under paragraph 1(1) of Schedule F1, and
  - (ii) which is treated for the purposes of paragraph 3(2) of Schedule D2 as a period of membership after 31st March 1972 but before 6th April 1988; plus
- (b) three one hundred and sixtieths of the deceased's pensionable remuneration, multiplied by the length in years of any further period—
- (i) of which such notice was given,
  - (ii) which is treated for those purposes as a period of membership before 1st April 1972, and
  - (iii) in respect of which a widower's pension is payable under Part F.
- (4) In calculating any reduction under this regulation, no account shall be taken of any period of membership in respect of which payment under regulation C13 has been or is to be treated as having been completed.

#### **Adjustments to death grants for certain re-employed pensioners**

**E6.** The provisions of this Part have effect subject to Part III of Schedule D5 (separate benefits of certain persons re-employed by LGPS employers) and Part IV of that Schedule (death in further employment of such employees).

#### **Part-timers' pensionable remuneration for certain purposes of this Part**

**E7.** Paragraph 7 of Schedule D1 (by virtue of which a member is, in respect of any period of part-time local government employment, to be treated as having received the remuneration which would have been paid in respect of a single comparable whole-time employment) does not apply to the application of regulation D1 and that Schedule in ascertaining the deceased's pensionable remuneration for the purposes of regulation E1, E3(2)(a) or (3)(b) or E4(2)(ii).