
STATUTORY INSTRUMENTS

1995 No. 1019

The Local Government Pension Scheme Regulations 1995

PART G

CHILDREN'S PENSIONS

General provisions relating to children's pensions

Limitations on entitlement to children's short-term pensions

G8.—(1) Where—

- (a) a widow's short-term pension is calculated in accordance with regulation F6(1) or a widower's short-term pension is payable by virtue of regulation F1(1) or F4(1), and
- (b) the child who is entitled to or to the benefit of a children's short-term pension is in the care of the widow or widower,

the rate of the child's short-term pension is reduced by the rate of the widow's or widower's pension.

(2) While—

- (a) a widow's short-term pension is payable under regulation F1(1) or F4(1);
- (b) a widower's short-term pension is payable under either of those regulations at a rate not less than that of the children's short-term pension; or
- (c) a widower's short-term pension is payable under regulation F1(1) in circumstances where no long-term pension is payable under regulation F2(1),

a children's short-term pension is not payable unless the child is not in the care of the widow or widower, and then for only three months after the death (or until he ceases to be a child, if sooner).

(3) Where—

- (a) (apart from paragraph (2), or this paragraph, or paragraph (4)) a children's short-term pension would be payable to or for the benefit of a child in the care of a parent to whom a surviving spouse's short-term pension would be payable; and
- (b) if a children's long-term pension and a surviving spouse's long-term pension were payable instead of those short-term pensions, that would result in a greater aggregate pension (having regard to paragraph (2)),

those long-term pensions shall be payable instead of those short-term pensions.

(4) Where—

- (a) apart from paragraph (3) and this paragraph, a children's short-term pension would be payable to or for the benefit of a child who is not in the care of a parent to whom a surviving spouse's short-term pension is payable, and
- (b) a children's long-term pension would be greater,

the long-term pension shall be payable instead of the short-term pension.

Long-term pensions: increase of period of membership in certain cases

G9. Unless the retirement pension determined under regulation G3(4), G5(3) or G6(3) would be greater, the retirement pension of a deceased person shall be taken to be that to which he would have been entitled if he were entitled to count the lesser of—

- (a) 10 years of membership; and
- (b) the period of membership which he would have been entitled to count if he had continued to be a member until his 65th birthday.

Children over 17 in paid training

G10.—(1) If a child in respect of whom a children’s long-term pension is payable has attained the age of 17 years and is receiving remuneration in respect of full-time training for a trade, profession or vocation at an annual rate in excess of the indexed training rate, then—

- (a) the annual rate of the pension is to be reduced by the amount of the excess, or
- (b) if it results in a smaller reduction, the child is to be disregarded for the purposes of calculating the pension.

(2) In paragraph (1) “the indexed training rate” means the annual rate at which an official pension (within the meaning of the Pension (Increase) Act 1971(1)) would for the time being be payable if it had begun on 1st April 1994 and had then been payable at an annual rate of £1,450.

Discretions as to payment of children’s pensions

G11.—(1) The appropriate administering authority may apportion a children’s pension among the eligible children in respect of whom it is for the time being payable in such shares as they think fit.

(2) The appropriate administering authority may pay a children’s pension or any part of it to a person other than an eligible child, to be applied for the benefit of any eligible child or eligible children in accordance with any directions the authority may give.

Adjustments to children’s pensions for certain re-employed pensioners etc.

G12. The provisions of this Part have effect subject to Part IV of Schedule D5 (re-employed pensioners) and to paragraph 3 of Schedule F1 (women dying before 6th April 1988).

(1) 1971 c. 56; section 5(1) was amended by the Superannuation Act 1972 (c. 11), section 29(1), Schedule 6, paragraph 85.