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STATUTORY INSTRUMENTS

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**1995 No. 1019**

**The Local Government Pension Scheme Regulations 1995**

**PART G**

**CHILDREN'S PENSIONS**

*Death of a member*

**Member's children's long-term pension**

**G3.**—(1) Subject to paragraph (6), where a member dies leaving one or more eligible children, the eligible children are entitled until they cease to be children to or to the benefit of a children's long-term pension payable from the member's death.

(2) Subject to paragraph (5) and regulations G9 and G10, the annual amount of a children's long-term pension is the appropriate fraction of the deceased person's retirement pension.

(3) Subject to regulation G10, for the purposes of paragraph (2), "the appropriate fraction" means—

- (a) if there is one eligible child and he is in the care of a surviving spouse of the deceased, one quarter;
- (b) if there is one eligible child and he is not in such care, one third;
- (c) if there are two or more eligible children and—
  - (i) half or more of them are in such care, or
  - (ii) fewer than half of them are in such care but a surviving spouse's pension under Part F is for the time being payable, one half; and
- (d) if there are two or more eligible children and fewer than half of them are in such care and no such surviving spouse's pension is payable, two thirds;

but references in paragraphs (c) and (d) to a surviving spouse's pension do not include a short-term pension under regulation F1 in circumstances where no long-term pension is payable under regulation F2.

(4) Subject to regulation G9, for the purposes of paragraph (2) the retirement pension of a member shall be taken to be the pension to which he would have become entitled if he had at the time of his death become entitled to a pension under regulation D7 (permanent ill-health, etc.) and on the relevant assumptions.

(5) In sub-paragraph (4) "the relevant assumptions" means that there is—

- (a) no increase in the pension by virtue of regulation D2(2)(i), and
- (b) no reduction in the pension under regulation D13 (early payments), regulation H2 (national insurance), or Part I of Schedule D5 (re-employed pensioners), or by virtue of a surrender under regulation D14.

(6) Where a children's short-term pension—

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) is payable under regulation G4, or
- (b) would be so payable apart from regulation G8(2),

the children's long-term pension does not become payable until the expiry of the period in respect of which that pension is payable under regulation G4 or, as the case may be, would be so payable apart from regulation G8(2) (but subject to regulation G8(3) and (4)).