

SCHEDULE D5

RE-EMPLOYED PENSIONERS

PART IV

SURVIVING SPOUSES' AND CHILDREN'S BENEFITS

19.—(1) This paragraph applies where—

- (a) a person was entitled to a retirement pension (other than one which was reduced under regulation D13),
- (b) after becoming so entitled he entered further local government employment,
- (c) he dies in the further employment, and
- (d) if he had then ceased to be employed (otherwise than by reason of his death) he would have been entitled to give notice under paragraph 10.

(2) Where this paragraph applies—

- (a) any benefits payable in respect of the person (except any surviving spouse's or children's short-term pension) are to be calculated, and
- (b) any surrender of part of a retirement pension has effect,

as if immediately before his death he had become entitled to benefits under Part II of this Schedule or, if it is more favourable to the person entitled to receive the benefits in question, Part III of this Schedule.

20. Where—

- (a) a person was entitled to a superannuation allowance under Part I of the Act of 1937 or an annual pension under the former regulations or a pension under a local Act scheme, or a retirement pension under the 1974 regulations, the 1986 regulations or these regulations,
- (b) after becoming so entitled he entered further local government employment,
- (c) the pension or allowance was on that account reduced or suspended, and
- (d) he dies in the further employment,

any benefits payable in respect of him (except any surviving spouse's or children's short-term pension) are to be calculated as if immediately before his death he had become entitled to benefits under Part III of this Schedule.

21.—(1) Where—

- (a) a surviving spouse is entitled to a spouse's short-term pension under regulation F1,
- (b) if the deceased had ceased to hold his employment on the date of his death (otherwise than by reason of death), he would have been entitled to a retirement pension under Part D (whether or not payable immediately), and
- (c) the deceased's local government employment was new employment for the purposes of Part I,

then the annual rate of the short-term pension is a rate equal—

- (i) if the retirement pension was not reduced under Part I, to the total of the spouse's pensionable remuneration in the new employment and the annual rate of the retirement pension, or
- (ii) if the retirement pension was so reduced, to the total of the spouse's pensionable remuneration in the new employment and the annual rate, if any, at which the retirement pension was payable.

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

(2) So far as it is attributable to remuneration in the new employment, that spouse's short-term pension is payable by the new administering authority, and, so far as it is not so attributable, by the former administering authority (if different).

21.—(1) Where—

- (a) a surviving spouse is entitled to a spouse's long-term pension under regulation F2, and
- (b) the deceased's local government employment was a new employment for the purposes of Part I,

then the annual rate of the long-term pension is the greater of—

- (i) the aggregate of—
 - (I) half the annual rate of the member's retirement pension, and
 - (II) half the annual rate of the retirement pension to which the member would have been entitled in respect of the new employment if on the date of death the member had become entitled under regulation D7, and
 - (ii) half the annual rate of the retirement pension to which the member would have been entitled if—
 - (I) on the date of death the spouse had become entitled under that regulation, and
 - (II) notice had been given under paragraph 10.
- (2) That spouse's long-term pension is payable—
- (a) in the case mentioned in paragraph (i)—
 - (i) so far as it is attributable to remuneration in the new employment, by the new administering authority, and
 - (ii) so far as it is not so attributable, by the former administering authority (if different), and
 - (b) in the case mentioned in paragraph (ii), as if it were a pension under Part II.
- (3) For the purposes of sub-paragraph (1)—
- (a) any increase in the deceased's retirement pension under regulation D2(2), and
 - (b) any reduction in that pension under regulation H2(1), or by virtue of a surrender under regulation D14,

shall be disregarded.