
STATUTORY INSTRUMENTS

2013 No. 2356

The Local Government Pension Scheme Regulations 2013

PART 1 **E+W**

Membership, contributions and benefits

Survivor benefits

Death grants: deferred members, pension credit members and deferred pensioner members **E+W**

43.—(1) If a deferred member dies an administering authority shall pay a death grant.

(2) The appropriate administering authority may, at its absolute discretion, pay the death grant to or for the benefit of the member's nominee, personal representatives or any person appearing to the authority to have been a relative or dependent of the member.

(3) The death grant is the amount the member would have been entitled to receive as retirement pension annually [^{F1}, excluding any final guarantee amount under regulation 4B or 4C of the 2014 Regulations,] if—

- (a) the member had been able to draw a pension on the day the member died; ^{F2}...
- (b) the pension the member would have been able to draw on that date had not been subject to any restriction on the age at which it could be drawn, or actuarial adjustment relating to the age at which it was drawn, [^{F3}and]

[^{F4}(c) it included any deferred guarantee amount calculated under regulation 4P of the 2014 Regulations,] multiplied by 5.

[^{F5}(3A) For the purposes of paragraph (3), if the member—

- (a) died in the period beginning with 1st April and ending with 5th April in the Scheme year following the Scheme year in which the member ceased to be an active member; or
- (b) ceased to be an active member and became a deferred member in the period beginning with 1st April and ending with 5th April in a Scheme year and subsequently died within that same period,

the pension is deemed to include the revaluation adjustment that would have been due at the next revaluation date.]

[^{F6}(3B) In paragraph (3) “deferred guarantee amount” has the meaning given in regulation 4P(3) of the 2014 Regulations.]

(4) If the administering authority has not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of two years beginning with the member's death or, where the authority did not know about the member's death before the expiry of that period, beginning with the date on which the administering authority could reasonably be expected to have become aware of the member's death, they must pay an amount equal to the shortfall to the member's personal representatives.

Status: Point in time view as at 01/10/2023.

Changes to legislation: The Local Government Pension Scheme Regulations 2013, Section 43 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(5) This regulation applies to pension credit members (including persons entitled to a pension credit who die before the appropriate administering authority awards a pension credit) as it applies to deferred members with the modification that for the amount of death grant calculated under paragraph (3), the amount calculated under paragraph (3)(a) and (b) is multiplied by 3 [F7 and paragraph (3A) does not apply.]

(6) This regulation applies to deferred pensioner members as it applies to deferred members except that the amount of death grant calculated under paragraph (3) is reduced by the amount of pension already paid to the member under regulation 35(7) (early payment of retirement pension on ill-health grounds: active members) and any lump sum paid under regulation 33 (election for lump sum instead of pension).

Textual Amendments

- F1** Words in reg. 43(3) inserted (1.10.2023) by [The Local Government Pension Scheme \(Amendment\) \(No. 3\) Regulations 2023 \(S.I. 2023/972\)](#), regs. 1(2), **3(7)(a)(i)**
- F2** Word in reg. 43(3)(a) omitted (1.10.2023) by virtue of [The Local Government Pension Scheme \(Amendment\) \(No. 3\) Regulations 2023 \(S.I. 2023/972\)](#), regs. 1(2), **3(7)(a)(ii)**
- F3** Word in reg. 43(3)(b) inserted (1.10.2023) by [The Local Government Pension Scheme \(Amendment\) \(No. 3\) Regulations 2023 \(S.I. 2023/972\)](#), regs. 1(2), **3(7)(a)(iii)**
- F4** Reg. 43(3)(c) inserted (1.10.2023) by [The Local Government Pension Scheme \(Amendment\) \(No. 3\) Regulations 2023 \(S.I. 2023/972\)](#), regs. 1(2), **3(7)(a)(iv)**
- F5** Reg. 43(3A) inserted (31.3.2023) by [The Local Government Pension Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/279\)](#), regs. 1(1), **5(a)**
- F6** Reg. 43(3B) inserted (1.10.2023) by [The Local Government Pension Scheme \(Amendment\) \(No. 3\) Regulations 2023 \(S.I. 2023/972\)](#), regs. 1(2), **3(7)(b)**
- F7** Words in reg. 43(5) inserted (31.3.2023) by [The Local Government Pension Scheme \(Amendment\) Regulations 2023 \(S.I. 2023/279\)](#), regs. 1(1), **5(b)**

Status:

Point in time view as at 01/10/2023.

Changes to legislation:

The Local Government Pension Scheme Regulations 2013, Section 43 is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.