
STATUTORY INSTRUMENTS

2015 No. 182

The Judicial Pensions Regulations 2015

PART 8

Death benefits

CHAPTER 1

Pensions for surviving adults

Surviving adults

91. In these Regulations—

“surviving adult”, in relation to a deceased member of this scheme, means the member’s surviving spouse, surviving civil partner or surviving nominated partner;

“surviving civil partner”, in relation to a deceased member of this scheme, means a person who was in a civil partnership with the member as at the date of the member’s death; and

“surviving spouse”, in relation to a deceased member of this scheme, means a person who was married to the member as at the date of the member’s death.

Meaning of “surviving nominated partner”

92.—(1) A person (P) is a surviving nominated partner of a deceased member of this scheme if—

- (a) the member nominated P to receive a pension on the member’s death;
- (b) the nomination is made by a written declaration signed by both the member and P in a form required by the scheme manager; and
- (c) P satisfies the scheme manager that immediately before the member’s death—
 - (i) P and the member were cohabiting as partners in an exclusive, committed long-term relationship;
 - (ii) P and the member were not prevented from entering into a marriage or a civil partnership; and
 - (iii) either P was financially dependent on the member or P and the member were financially interdependent.

(2) The member or P may revoke a declaration under paragraph (1)(b) at any time by notice to the scheme manager in a form required by the scheme manager.

Meaning of “surviving adult’s pension”

93. In these Regulations, “surviving adult’s pension” means any of the following pensions payable to a surviving adult under this Chapter—

- (a) a dependant’s earned pension;
- (b) a dependant’s ill-health pension;

- (c) a dependant's added pension.

Meaning of dependant's earned pension

94. A dependant's earned pension is a pension payable on the death of a member of this scheme if the member was a pensioner member or would have become entitled to a full retirement earned pension had the member not died.

Meaning of dependant's ill-health pension

95. A dependant's ill-health pension is a pension payable on the death of a member of this scheme if the member was entitled to the immediate payment of an ill-health pension as at the date of the member's death.

Meaning of "dependant's added pension"

96. A dependant's added pension is a pension payable on the death of a member of this scheme if the member—

- (a) was entitled to the immediate payment of a full retirement added (all beneficiaries) pension as at the date of the member's death; or
- (b) would have become entitled to such a pension had the member not died.

Entitlement to surviving adult's pension

97.—(1) This regulation applies in relation to a member who, at the date of the member's death is—

- (a) an active member of this scheme, or an existing scheme, in relation to a continuous period of pensionable service of at least 12 months;
- (b) a deferred member of this scheme; or
- (c) a pensioner member of this scheme.

(2) If the member is a transition member with continuity of service, the continuous period of pensionable service mentioned in paragraph (a) includes the member's period of pensionable service under an existing scheme before the closing date.

(3) The surviving adult of the member is entitled to payment for life of a surviving adult's pension as follows—

- (a) if the member was a pensioner member or would have become entitled to a full retirement earned pension had the member not died, a dependant's earned pension;
- (b) if an ill-health pension was payable as at the date of the member's death, a dependant's ill-health pension;
- (c) if the member was entitled to the immediate payment of a full retirement added (all beneficiaries) pension as at the date of the member's death or would have become entitled to such a pension had the member not died, a dependant's added pension.

(4) The scheme manager may withhold a surviving adult's pension as follows—

- (a) for a pension that would otherwise be payable to the surviving spouse, if the member and the surviving spouse married less than 6 months before the member's death;
- (b) for a pension that would otherwise be payable to a surviving civil partner, if the civil partnership was formed less than 6 months before the member's death.

(5) Paragraph (4) is subject to regulation 110.

Annual rate of surviving adult’s pensions payable on death of pensioner member

- 98.**—(1) This regulation applies on the death of a pensioner member of this scheme (P).
- (2) The annual rate of a dependant’s earned pension is an amount equal to 37.5% of the sum of—
- (a) the amount of full retirement earned pension specified in P’s full retirement account as at the date of P’s death; and
 - (b) the amount of partial retirement earned pension specified in P’s partial retirement account as at the date of P’s death.
- (3) The annual rate of a dependant’s ill-health pension is an amount equal to 37.5% of the annual rate of ill-health pension, calculated without subtracting the commutation amount (if any) and the total allocation amount (if any).
- (4) The annual rate of a dependant’s added pension is an amount equal to 37.5% of the sum of—
- (a) the amount of full retirement added (all beneficiaries) pension specified in P’s full retirement account as at the date of P’s death; and
 - (b) the amount of partial retirement added (all beneficiaries) pension specified in P’s partial retirement account as at the date of P’s death.
- (5) In accordance with section 7(4) of PIA 1971, for the purposes of this scheme there is to be disregarded any increase in the annual rate of a pension since the beginning date for that pension.

Annual rate of surviving adult’s pensions payable on death of deferred member

- 99.**—(1) This regulation applies on the death of a deferred member of this scheme.
- (2) The annual rate of a dependant’s earned pension is an amount equal to 37.5% of the sum of the provisional amount of deferred earned pension specified in the deferred member’s account.
- (3) The annual rate of a dependant’s added pension is an amount equal to 37.5% of the provisional amount of deferred added (all beneficiaries) pension specified in the deferred member’s account.

Annual rate of surviving adult’s pensions payable on death of active member (death in service)

- 100.**—(1) This regulation applies on the death of an active member of this scheme in relation to a continuous period of pensionable service of at least 12 months.
- (2) If the member is a transition member with continuity of service, the continuous period of pensionable service mentioned in paragraph (1) includes the member’s period of pensionable service under an existing scheme before the closing date.
- (3) The annual rate of a dependant’s earned pension is an amount equal to 37.5% of the amount of full retirement earned pension that would have been specified in the member’s full retirement account under regulation 48(2) had P become entitled to the immediate payment of a full retirement pension on the date of P’s death.
- (4) The annual rate of a dependant’s added pension is an amount equal to 37.5% of the amount of full retirement added (all beneficiaries) pension that would have been specified in the member’s full retirement account under regulation 48(2) had P become entitled to the immediate payment of a full retirement pension on the date of P’s death.
- (5) When calculating the amount of a member’s full retirement earned pension (except in relation to a member who before the member’s death was entitled under regulation 63(a) to the immediate payment of a partial retirement pension)—
- (a) the accrued earned pension includes an additional amount equal to the lesser of—

- (i) the amount of accrued earned pension not attributable to a transfer value payment; and
- (ii) the enhancement fraction of the amount mentioned in paragraph (i);
- (b) if the member is a transition member with continuity of service, the accrued earned pension includes an additional amount equal to the lesser of—
 - (i) the total amount of accrued earned pension under this scheme which is not attributable to a transfer value payment and the equivalent of accrued earned pension earned under an existing scheme which is not attributable to a transfer value payment; and
 - (ii) the enhancement fraction of the amount mentioned in paragraph (a)(i); and
- (c) the early payment reduction (if any), the commutation amount (if any) and the total allocation amount (if any) are not subtracted.
- (6) In this regulation—

“the enhancement fraction” means $\frac{X}{Y}$ where—

X is the lower of—

- (a) the member’s assumed period of pensionable service (expressed in years); and
- (b) 10;

Y is the lower of—

- (a) the number of years for which the member has been an active member of this scheme; and
- (b) the number of scheme years in relation to which an amount of earned pension was specified in the active member’s account; and

“the member’s assumed period of pensionable service” means the period (expressed in years)

—

- (a) beginning with the day after the date of the member’s death; and
- (b) ending with—
 - (i) for a member appointed for a fixed term, the day on which that term would have ended; and
 - (ii) for all other appointments, the day before the day on which the member would have reached prospective normal pension age if the member had lived until that age.

Reduction in pensions in cases of wide age disparity

101.—(1) This regulation applies if, on the death of a member of this scheme, a surviving adult’s pension is payable to a person (“the dependant”) who is more than 12 years younger than the member.

(2) The annual rate of the surviving adult’s pension is reduced by the lower of—

- (a) 50% of the amount of the annual rate of the pension so calculated under regulation 98, 99 or 100 as applicable; and
- (b) $2.5 \times (N - 12)\%$ of the amount of the annual rate of the pension so calculated,

where N is the number of whole years by which the dependant is younger than the member.