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STATUTORY INSTRUMENTS

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**2015 No. 94**

The National Health Service Pension Scheme Regulations 2015

**PART 6**

Survivor benefits

CHAPTER 2

Child survivor

**Eligible child**

**122.**—(1) A person is an eligible child in relation to a deceased member or recent leaver (DMR) if the child—

- (a) meets the relationship condition;
- (b) meets the age or health dependency condition; and
- (c) meets the birth and dependency condition.

(2) A person meets the relationship condition if the person is any of the following—

- (a) a natural child or grandchild of the DMR;
- (b) an adopted child of the DMR who was adopted while the DMR was an active member;
- (c) a step-child of the DMR whose natural or adoptive parent is the DMR's surviving spouse or civil partner from a marriage entered into or a civil partnership formed, while the DMR was an active member;
- (d) a person whose natural or adoptive parent is the DMR's surviving [<sup>F1</sup>scheme partner] if, at the time the DMR ceased to be an active member, the DMR was living with the partner as mentioned in [<sup>F2</sup>regulation 114(1)(a) and (d)];
- (e) a brother or sister, or child of a brother or sister, of—
  - (i) the DMR; or
  - (ii) the DMR's spouse, civil partner or [<sup>F3</sup>surviving scheme partner];
- (f) a half-brother or half-sister, or child of a half-brother or half-sister of—
  - (i) the DMR member; or
  - (ii) the DMR member's spouse, civil partner or [<sup>F4</sup>surviving scheme partner];
- (g) a person who the scheme manager believes the DMR intended, at the time the DMR ceased to be an active member, to adopt;
- (h) a person who at the time the DMR ceased to be an active member had been dependent on the DMR for—
  - (i) two years; or
  - (ii) if less, half the person's life.

(3) A person meets the age or health dependency condition if—

- (a) the person has not attained the age of 23; or
  - (b) the scheme manager believes—
    - (i) that the person was financially dependent on the DMR at the date of death because of the person was incapable of earning a living in consequence of physical or mental impairment; and
    - (ii) that the person continues to be incapable of earning a living in consequence of the impairment.
- (4) A person meets the birth and dependency condition if—
- (a) the person was born before the DMR ceased to be an active member and—
    - (i) was dependent on the DMR at the date of death; and
    - (ii) if the date of death was after the DMR ceased to be an active member, was dependent on the DMR at the time the DMR ceased to be an active member; or
  - (b) the person was born not more than one year after the DMR ceased to be an active member and—
    - (i) was dependent on the DMR both at birth and at the date of death; or
    - (ii) if the person was born after the DMR's death, would have been dependent on the DMR had the DMR not died before the person's birth.

#### Textual Amendments

- F1** Words in [reg. 122\(2\)\(d\)](#) substituted (with effect from 1.4.2015, in accordance with reg. 1(5) of the amending S.I.) by [The National Health Service Pension Schemes, Additional Voluntary Contributions and Injury Benefits \(Amendment\) Regulations 2019 \(S.I. 2019/418\)](#), [reg. 1\(2\)\(5\)](#), **90(2)(a)**
- F2** Words in [reg. 122\(2\)\(d\)](#) substituted (with effect from 1.4.2015, in accordance with reg. 1(5) of the amending S.I.) by [The National Health Service Pension Schemes, Additional Voluntary Contributions and Injury Benefits \(Amendment\) Regulations 2019 \(S.I. 2019/418\)](#), [reg. 1\(2\)\(5\)](#), **90(2)(b)**
- F3** Words in [reg. 122\(2\)\(e\)\(ii\)](#) substituted (with effect from 1.4.2015, in accordance with reg. 1(5) of the amending S.I.) by [The National Health Service Pension Schemes, Additional Voluntary Contributions and Injury Benefits \(Amendment\) Regulations 2019 \(S.I. 2019/418\)](#), [reg. 1\(2\)\(5\)](#), **90(3)**
- F4** Words in [reg. 122\(2\)\(f\)\(ii\)](#) substituted (with effect from 1.4.2015, in accordance with reg. 1(5) of the amending S.I.) by [The National Health Service Pension Schemes, Additional Voluntary Contributions and Injury Benefits \(Amendment\) Regulations 2019 \(S.I. 2019/418\)](#), [reg. 1\(2\)\(5\)](#), **90(4)**

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service Pension Scheme Regulations 2015, Section 122.