

SCHEDULE 1

THE NEW FIREFIGHTERS' PENSION SCHEME (WALES)

PART 4

SURVIVORS' PENSIONS

CHAPTER 2

CHILDREN'S PENSIONS

Child pension: limitations and duration

7.—(1) Subject to paragraphs (2) and (3), a child is not eligible if—

- (a) the child is eighteen or older;
- (b) the child has ceased full-time education and is in paid employment ; or
- (c) the child is married or has entered into a civil partnership.

(2) A child aged eighteen or older but not more than twenty three is eligible if the child is in full-time education or attending a course of at least one year's duration.

(3) A child aged eighteen or more is eligible if, when the deceased dies, the child is dependent on the member by reason of permanent disablement.

(4) A child is not eligible if the child is convicted of the murder of the deceased but this is subject to paragraph (6).

(5) Subject to paragraph (7), where the child is convicted of the manslaughter of the deceased, the authority may, as they think fit, withhold the child pension—

- (a) in whole or in part, and
- (b) permanently or temporarily.

(6) Where a conviction of the description mentioned in paragraph (4) is quashed on appeal—

- (a) a child pension is payable from the day after that on which the deceased died, and
- (b) the authority must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of pension accrued.

(7) Where—

- (a) a conviction of the description mentioned in paragraph (5) is quashed on appeal, and
- (b) the authority have withheld any part of the child pension,

the authority's decision under paragraph (5) is treated as revoked and they must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of pension accrued from the day after that on which the deceased died.

(8) Nothing in paragraph (6) or (7) affects the application of paragraph (4) or (5) if the child whose conviction is quashed is subsequently convicted of the murder or manslaughter of the deceased.

(9) A child pension ceases to be payable—

- (a) unless paragraph (2) or (3) applies, on the child's eighteenth birthday or on the occurrence of the event referred to in paragraph (1)(b) or (c), whichever first occurs;
- (b) where paragraph (2) applies, on the child's twenty-third birthday or the day on which the child's full-time education or course ceases, whichever first occurs;
- (c) where paragraph (3) applies, when the authority are satisfied—

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

- (i) that the child is no longer permanently disabled; or
- (ii) that the child pension should not have been awarded.

(10) Unless paragraph (9)(c) applies, a pension for which a child is eligible as mentioned in paragraph (3) is payable for life.