

SCHEDULE

AMENDMENT OF THE FIREFIGHTERS' PENSION (WALES) SCHEME

5. In Part E (awards on death — additional provisions)—
- (a) in rule E1 (lump sum death grant)—
 - (i) in paragraph (2), for “or gratuity” substitute “gratuity or lump sum”; and
 - (ii) after paragraph (5), add—

“(6) The grant is to be paid before the end of the period of two years beginning with the earlier of the day on which the Scheme administrator knew of the member’s death and the day on which the Scheme administrator could first reasonably be expected to have known of it.”;
 - (b) in rule E3 (dependent relative’s gratuity), in paragraph (2)(b), after “Scheme” insert “in respect of the same firefighter”;
 - (c) in rule E4 (payment of balance of contributions to estate)—
 - (i) in paragraph (2)(f), for “Government Actuary” substitute “Scheme Actuary”; and
 - (ii) for paragraph (4), substitute—

“(4) The fire and rescue authority must pay a post retirement death grant to the deceased’s personal representatives.

(5) In this rule, a “post retirement death grant” is an amount representing the difference between the aggregate of the relevant amounts and the deceased’s aggregate pension contributions.”;
 - (d) in rule E5 (lump sum in lieu of surviving spouse’s or civil partner’s pension)—
 - (i) in paragraph (1)—
 - (aa) for “Part 1 of Schedule 29 (lump sum rule)”, substitute “Part 2 of Schedule 29 (lump sum death benefit rule)”; and
 - (bb) omit “whole or part of the”;
 - (ii) in paragraph (2)(a), for “rule C1” substitute “Part C (awards on death — spouses)”; and
 - (iii) in paragraph (5), for “Government Actuary” substitute “Scheme Actuary”; and
 - (iv) after paragraph (5), add—

“(6) On the day on which the whole of a pension is commuted under this rule, all other entitlements under the Scheme of the person entitled to the pension are extinguished to the extent that they derive from the deceased member.”;
 - (e) in rule E6 (lump sum in lieu of child’s allowance)—
 - (i) in paragraph (1), omit “whole or any part of the”;
 - (ii) in paragraph (3), for “commutation of the whole or part of an allowance” substitute “commutation of the allowance”; and
 - (iii) after paragraph (4), add—

“(5) On the day on which a pension is commuted under this rule, all other entitlements under the Scheme of the person entitled to the pension are extinguished to the extent that they derive from the deceased member.”;
 - (f) in rule E7 (limitation on discretion to commute pension or allowance for gratuity)—
 - (i) in paragraph (2), after “commute” omit “whole or any part of a”;
 - (ii) in paragraph (2)(b), for “Part 1 of Schedule 29”, substitute “Part 2 of Schedule 29”; and

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

- (iii) in paragraph (4), for “Government Actuary” substitute “Scheme Actuary”;
(g) for rule E8 (increase of pensions and allowances during first 13 weeks), substitute—

“ E8 Bereavement pension: survivors

(1) Subject to paragraph (2), a person entitled to a pension under rule C1 (spouse’s ordinary pension) is also entitled in respect of each of the 13 weeks following death, to a bereavement pension of an amount equal to the difference between the weekly rate at which the survivor’s pension is paid and—

- (a) if the deceased was a firefighter member when he died, the weekly rate of his or her pensionable pay when he or she died;
- (b) in any other case, the weekly rate of his or her pension or pensions (including any increase under the Pensions (Increase) Act 1971) when he died.

(2) No entitlement arises under paragraph (1) where—

- (a) an election not to make pension contributions under rule G3 has effect at the date of the deceased’s death, or
 - (b) the deceased was entitled to a deferred pension that had not come into payment.”;
- and

- (h) after rule E8, insert—

“E8A Bereavement pension: children

(1) This rule applies to a child’s ordinary or accrued allowance under this Scheme where the deceased died—

- (a) while serving as a regular firefighter, or
- (b) while in receipt of a pension and—
 - (i) there is no surviving spouse or civil partner, or
 - (ii) a surviving spouse or civil partner did not become entitled to a pension which was payable for a continuous period of 13 weeks.

(2) Subject to paragraphs (3) and (4), a person entitled to an allowance is also entitled in respect of each of the 13 weeks following death, to a bereavement pension of an amount equal to the difference between the weekly rate at which the allowance is paid and—

- (a) if the deceased was a firefighter member when the deceased died, the weekly rate of the deceased’s pensionable pay on death;
- (b) in any other case, the weekly rate of his or her pension or pensions (including any increase under the Pensions (Increase) Act 1971) when he or she died.

(3) Where there is more than one eligible child, the amount paid in respect of each bereavement pension is not to be less than the amounts payable under paragraph (2)(a) or (b) divided by the number of the allowances.

(4) No entitlement arises under paragraph (1) where—

- (a) an election not to make pension contributions under rule G3 has effect at the date of the deceased’s death; or
- (b) the deceased was entitled to a deferred pension that had not come into payment.”