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WELSH STATUTORY INSTRUMENTS

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**2015 No. 622**

**The Firefighters' Pension Scheme (Wales) Regulations 2015**

**PART 6**

Death benefits

**CHAPTER 3**

Pensions for eligible children

**Eligible child's pension**

**93.**—(1) If a member, who has at least three months qualifying service, dies leaving an eligible child, an eligible child's pension and, depending on the deceased member's circumstances, a bereavement pension is payable in respect of the child.

(2) An eligible child's pension is not payable in respect of any period before a child's birth.

(3) If the child ceases to be an eligible child after the date of the member's death, the pension ceases to be payable unless and until the child becomes an eligible child again, but, if the child does not cease to be an eligible child, the pension is payable for life.

**Meaning of "eligible child"**

**94.**—(1) In these Regulations, , in relation to a deceased member, "child" (*"plentyn"*) means—

- (a) a natural child, step-child or adopted child of the member; or
- (b) the natural child, step-child or adopted child of the member's spouse, civil partner or cohabiting partner; or
- (c) any natural child of the member who was born after the member's death and with whom the child's mother was pregnant at the date of the member's death.

(2) A child of the deceased member is an "eligible child" (*"plentyn cymwys"*) if—

- (a) the child was at the date of the deceased member's death financially dependent on the deceased member;
- (b) the child is not married or in a civil partnership; and
- (c) the child satisfies any of the conditions A to C.

(3) Condition A is that the person is under the age of 18.

(4) Condition B is that the person is in full-time education or on a course of at least one year's duration and has not reached the age of 23.

(5) Condition C is that the person is dependent on the deceased member at the date of the deceased member's death by reason of permanent incapacity of mind or body.

### **Eligible child's pension on death of active member**

**95.**—(1) This regulation applies in relation to an eligible child of a member who dies if, at the date of death, the member is an active member and has qualifying service of more than three months.

(2) The annual rate of an eligible child's pension to which this regulation applies is an amount equal to the specified proportion of the pension which the member would have been entitled to draw if the member had retired on the grounds of ill-health with the award of a higher tier ill-health pension on the date of the member's death.

### **Eligible child's pension payable on death of deferred member**

**96.**—(1) This regulation applies in relation to an eligible child of a member who dies if, at the date of death, the member is a deferred member.

(2) The annual rate of an eligible child's pension is an amount equal to the specified proportion of the sum of the provisional amount of deferred pension specified in the deferred member's account and the amount of the added pension (if any) specified in the added pension account.

### **Eligible child's pension payable on death of pensioner member**

**97.**—(1) This regulation applies in relation to an eligible child of a member who dies if, at the date of death, the member is a pensioner member (P).

(2) Subject to paragraph (3), the annual rate of an eligible child's pension is an amount equal to the specified proportion of the amount of retirement pension payable to P immediately before P's death.

(3) Where an early payment reduction had been made on P's retirement, the amount in paragraph (2) is the specified proportion of the amount of retirement pension that would have been payable if that reduction had not been made.

### **Specified proportion**

**98.**—(1) The specified proportion is one quarter where there is one eligible child at the date of the member's death.

(2) If there is more than one eligible child at the date of the member's death the specified proportion is half of the pension mentioned in regulations 95 (eligible child's pension on death of active member), 96 (eligible child's pension payable on death of deferred member) and 97 (eligible child's pension payable on death of pensioner member) divided by the number of eligible children so that each eligible child receives an equal share.

(3) If a person ceases to be an eligible child, that person's pension must cease to be paid and where there is still more than one eligible child, the amount of that pension must be distributed equally between the remaining eligible children (if any).

### **Increase in eligible child's pension where there is no surviving partner**

**99.**—(1) This regulation applies if, at the date of the member's death, there was no person who was entitled to a surviving partner's pension.

(2) If this regulation applies and there is an eligible child, that child is also entitled to the amount of pension in accordance with paragraphs (3) or (4) which the surviving partner would have received—

- (a) under regulation 87 (surviving partner's pension payable on death of active member) if the member (P) was an active member at the date of P's death;
- (b) under regulation 88 (surviving partner's pension payable on death of deferred member) if P was a deferred member at the date of P's death;

(c) under regulation 89 (surviving partner's pension payable on death of pensioner member) if P was a pensioner member at the date of P's death.

(3) If there is only one eligible child, that child receives an additional amount equal to the amount ascertained in accordance with paragraph (2).

(4) If there is more than one eligible child at the date of P's death, the amount ascertained in accordance with paragraph (2) is divided between the number of eligible children so that each eligible child receives an equal share.

(5) If a person ceases to be an eligible child, that person's share of the amount ascertained in accordance with paragraph (2) must cease to be paid and the share must be distributed equally between the remaining eligible children (if any).

### **Increase in eligible child's pension where member was pension debit member**

**100.** If the member's benefits were at the date of death subject to a reduction under section 31 of WRPA 1999, any eligible child's pension must be calculated as though that reduction had not been made.

### **Bereavement pension: eligible child**

**101.—(1)** If a surviving partner's pension is not payable on the death of the member, a bereavement pension is payable to an eligible child who is entitled to an eligible child's pension on the death of an active member or a pensioner member.

(2) If the surviving partner dies before the end of the initial period and a bereavement pension was payable to the surviving partner, a bereavement pension is payable to any eligible child for the remaining part of the initial period or, if earlier, until the child ceases to be eligible for an eligible child's pension.

(3) If the member was an active member at the date of the member's death, the weekly amount of the bereavement pension payable under paragraphs (1) or (2) is equal to the difference between the weekly amount of pensionable pay which the member was paid at the date of the member's death or, where the member was treated as receiving assumed pensionable pay, the weekly amount of assumed pensionable pay, and the weekly amount of the surviving partner's pension.

(4) If the member was a pensioner member, the weekly amount of the bereavement pension payable under paragraphs (1) or (2) is equal to the difference between the weekly amount of the pension to which the member was entitled at the date of the member's death and the weekly amount of the surviving partner's pension.

(5) If there is more than one eligible child, the weekly amount of the bereavement pension payable under paragraphs (1) or (2) is divided by the number of eligible children so that each receives an equal share.

(6) If a person ceases to be an eligible child before the end of the initial period, that person's share of the bereavement pension must cease to be paid and the share must be distributed equally between the remaining eligible children (if any).