
WELSH STATUTORY INSTRUMENTS

2015 No. 622

The Firefighters' Pension Scheme (Wales) Regulations 2015

PART 6

Death benefits

CHAPTER 4

Lump sum death benefits

Meaning of “final pay”

102.—(1) In this Chapter, “final pay” (“*tâl terfynol*”) means the greater of the following—

- (a) the amount of the member’s pensionable pay during the member’s continuous period of pensionable service in the period of 365 days ending with the last day of pensionable service; and
- (b) the amount of the member’s pensionable pay during the member’s continuous period of pensionable service in the period of three years ending with the last day of pensionable service, divided by three.

(2) If the member’s continuous period of pensionable service was less than 365 days, the amount in paragraph (1)(a) is an amount equal to the member’s annualised final pay.

(3) For the purpose of determining which of the amounts mentioned in paragraph (1) is the greater—

- (a) if the member’s continuous period of pensionable service was less than three years, the amount in paragraph (1)(b) is the total pensionable pay received for that service divided by the number of years in pensionable service calculated in accordance with regulation 192 (calculation of periods of membership and service); and
- (b) if a member is treated as receiving assumed pensionable pay for any period included in paragraph (1)(a) or (1)(b), pensionable pay in this regulation includes that assumed pensionable pay.

(4) But if the continuous period of pensionable service includes the day 29 February, paragraphs (1)(a) and (2) have effect with the substitution for “365” of “366”.

Meaning of “annualised final pay”

103.—(1) For the purpose of this Chapter, a member’s annualised final pay is $FP \times 365/N$ where—

- (a) FP is the member’s pensionable pay during the member’s continuous period of pensionable service; and
- (b) N is the number of days in that period.

(2) But if the continuous period of pensionable service includes the day 29 February, paragraph (1) has effect with the substitution for “365” of “366”.

Person to whom lump sum death benefit payable

104. The scheme manager may, at its absolute discretion, pay any lump sum death benefit payable under this Chapter to or for the benefit of the member's nominee, personal representatives or any person appearing to the scheme manager to have been a relative or dependant of the member.

Lump sum payable on death of active member

105.—(1) If an active member dies, the scheme manager must pay a lump sum death benefit.

(2) The amount of the lump sum death benefit is an amount equal to three times the amount of the member's final pay.

(3) Where an active member has more than one active member's account, a lump sum death benefit is payable in respect of each of those accounts.

Lump sum payable on death of pensioner member

106.—(1) This regulation applies if a pensioner member dies within five years of the pension coming into payment.

(2) If this regulation applies, the scheme manager must pay a lump sum death benefit.

(3) The amount of the lump sum death benefit is equal to—

(a) the total annual amount of the member's pensions, multiplied by five; less

(b) the total amount of any pension payments made to the member under this scheme.

(4) In paragraph (3)(a), "total annual amount of the member's pensions" ("*cyfanswm blynyddol pensiyneu'r aelod*") means the total of the annual rate of the retirement pension shown in the member's pension accounts calculated as if the beginning date for that pension were the date of the member's death.

(5) For the purpose of this regulation any amounts paid or payable to or in respect of the member in the capacity of a pension credit member are disregarded.

Lump sum payable on death in certain cases

107. Where a person (P) at the time of P's death was a pensioner member of this scheme and an active member of this scheme, the amount of the lump sum death benefit payable is the greater of the amount of lump sum death benefit payable under regulation 105 (lump sum payable on the death of active member) and the amount of the lump sum death benefit payable under regulation 106 (lump sum payable on the death of a pensioner member).

Lump sum payable on death of pension credit member

108.—(1) If a pension credit member dies before any benefits derived from a pension credit have become payable to the member, the scheme manager must pay a lump sum death benefit in accordance with paragraph (2).

(2) The amount of the lump sum death benefit is equal to the product of 2.25 and the annual rate of the pension credit member's pension to which that member would have been entitled if that member had been entitled to the immediate payment of the pension at the date of death.

(3) If a pension credit member dies within five years of the pension credit member's pension becoming payable and before attaining the age of 75, the scheme manager must pay a lump sum death benefit in accordance with paragraph (4).

(4) The amount of the lump sum death benefit is the difference between—

(a) the amount that is five times the amount of the pension credit member's pension; and

(b) the instalments of pension that have been paid.

(5) In paragraph (4), “amount of the pension credit member’s pension” (“*swm pensiwn yr aelod â chredyd pensiwn*”) means the annual amount of that pension at the date the pension credit member’s pension came into payment.

(6) If the deceased member was a pension credit member entitled to two or more pension credits, the lump sum death benefits under this scheme are payable in respect of the member as if the member were two or more members, each being entitled to one of the pension credits.