

SCHEDULE

Regulations 4(3), 6(2), 10(2) and 14(2)

Eligible decision-makers for deceased members

Interpretation

1.—(1) In this Schedule—

“beneficiary” (*“buddiolwr”*) means a person who has become entitled to receive any death benefit;

“election” (*“dewisiad”*) means an opted-out service election, an immediate choice election decision or a deferred choice election decision;

“eligible adult survivor” (*“goroeswr sy’n oedolyn cymwys”*) means—

- (a) a “surviving partner” within the meaning given in regulation 85(1) and (2) of the 2015 Regulations, or
- (b) a “child” within the meaning given in regulation 94(1) of the 2015 Regulations and who is 18 years of age or older;

“eligible child survivor” (*“goroeswr sy’n blentyn cymwys”*) means an “eligible child” (*“plentyn cymwys”*) within the meaning given in regulation 94(2) of the 2015 Regulations and who is under the age of 18;

“eligible decision-maker” (*“penderfynwr cymwys”*) means the person who may make—

- (a) an opted-out service election as mentioned in regulation 6;
- (b) an immediate choice election as mentioned in regulation 10;
- (c) a deferred choice election decision as mentioned in regulation 14.

Sole beneficiary: eligible adult survivor

2. Where a person is—

- (a) the sole beneficiary, and
- (b) an eligible adult survivor,

the eligible decision-maker is that person.

Sole beneficiary: eligible child survivor

3. Where a person (“C”) is—

- (a) the sole beneficiary, and
- (b) an eligible child survivor,

the eligible decision-maker is a parent or guardian of C.

Multiple beneficiaries: eligible adult survivors

4.—(1) This paragraph applies where two or more eligible adult survivors are the beneficiaries.

(2) Where one of the eligible adult survivors is—

- (a) a spouse,
- (b) a civil partner, or
- (c) a cohabiting partner

of the deceased, the eligible decision-maker is that person.

Status: This is the original version (as it was originally made).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

(3) Where none of the eligible adult survivors is a person mentioned in sub-paragraph (2), the eligible decision-maker is—

- (a) the person agreed upon between them, in accordance with paragraph 6 below, who must be one of them, or
- (b) if no agreement is reached, the scheme manager.

Multiple beneficiaries: eligible child survivors

5. Where the only beneficiaries are children, two or more of which are eligible child survivors, the eligible decision-maker is—

- (a) where all the eligible child survivors live in the same household, a parent or guardian of the eligible children;
- (b) where the eligible child survivors live in different households, the person agreed upon by the parents or guardians of the eligible child survivors, in accordance with paragraph 6 below, who must be one of them, or
- (c) if no agreement is reached, the scheme manager.

Multiple beneficiaries: additional requirements

6.—(1) This paragraph applies where, under paragraphs 4(3)(a) and 5(b), the eligible decision-maker is to be agreed upon either by multiple eligible adult survivors, or, as the case may be, multiple parents or guardians of eligible child survivors (“the potentially eligible decision-makers”).

(2) The scheme manager must—

- (a) seek to identify all such potentially eligible decision-makers and inform them of the need to agree who is the eligible-decision maker in respect of the deceased in accordance with this paragraph, and
- (b) provide a notice in respect of the deceased to each potentially eligible decision-maker, setting out—
 - (i) the information that would be required to be provided under regulation 4, if the notice were a remediable service statement, and
 - (ii) an explanation of the process set out at sub-paragraph (3).

(3) The potentially eligible decision-makers must—

- (a) unanimously agree upon the eligible decision-maker (“the agreed eligible decision-maker”), and
- (b) communicate the identity of the agreed eligible decision-maker to the scheme manager collectively, in writing, within 6 months of receiving the notice mentioned at sub-paragraph (2)(b).

(4) If the scheme manager does not receive notice in accordance with sub-paragraph (3)(b) above, the scheme manager becomes the eligible decision-maker immediately after the date for notice in that sub-paragraph expires.

Other cases

7. In any case not covered by paragraphs 2 to 6, the eligible decision-maker is the scheme manager.