

SCHEDULE

Amendment of the Firefighters' Pension Scheme Order (Northern Ireland) 2007

5. In Part E (awards on death-additional provisions)—

(1) In article 37 (lump sum death grant)—

- (a) in paragraph (2), for “or gratuity” substitute “, gratuity or lump sum”; and
- (b) 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.”.

(2) In article 38 (dependent relative’s gratuity) in paragraph (2)(b), after “Scheme” add “in respect of the same firefighter”.

(3) In article 39 (payment of balance of contributions to estate)—

- (a) in paragraph (2)(f), for “Government Actuary” substitute “Scheme Actuary”; and
- (b) for paragraph (4), substitute—

“(4) The Board shall pay a post retirement death grant to the deceased’s personal representatives.

(5) In this article 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.”.

(4) In article 40 (lump sum in lieu of surviving spouse’s or civil partner’s pension)—

(a) in paragraph (1)—

- (i) for “Part 1 of Schedule 29 (lump sum rule)”, substitute “Part 2 of Schedule 29 (lump sum death benefit rule)”; and
- (ii) omit “whole or any part of the”;

(b) in paragraph (2)(a), for “article 25” substitute “Part C (awards on death-spouses or civil partners);

(c) in paragraph (5), for “Government Actuary” substitute “Scheme Actuary”; and

(d) after paragraph (5), add—

“(6) On the day on which the whole of a pension is commuted under this article, 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.”.

(5) In article 41 (lump sum in lieu of child’s allowance)—

(a) in paragraph (1), omit “whole or part of the”;

(b) in paragraph (3) for “commutation of the whole or part of an allowance” substitute “commutation of the allowance”; and

(c) after paragraph (4), add—

“(5) On the day on which a pension is commuted under this article, 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.”.

(6) In article 42 (limitation on discretion to commute pension or allowance for gratuity)—

(a) in paragraph (2), after “commute” omit “whole or part of a”;

(b) in paragraph (2)(b), for “Part 1 of Schedule 29”, substitute “Part 2 of Schedule 29”; and

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- (c) in paragraph (4), for “Government Actuary” substitute “Scheme Actuary”;
 - (d) in paragraph (5) for “serviceman” substitute “reservist”.
- (7) For article 43 (increase of pensions and allowances during first 13 weeks), substitute—

“Bereavement pension: survivors

43.—(1) Subject to paragraph (2), a person entitled to a pension under article 25 (spouse’s or civil partner’s ordinary pension) is also entitled in respect of each of the 13 weeks following the deceased’s 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 pensionable pay when he died;
- (b) in any other case, the weekly rate of his pension or pensions (including any increase under the Pensions (Increase) Act (Northern Ireland) 1971) when he died.

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

- (a) an election not to pay pension contributions under article 59 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.”.

(8) after article 43, insert—

“Bereavement pension: children

43A.—(1) This article 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 the deceased’s 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 he died, the weekly rate of his pensionable pay when he died;
- (b) in any other case, the weekly rate of his pension or pensions (including any increase under the Pensions (Increase) Act (Northern Ireland) Act 1971) when he died; and

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

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

- (a) an election not to pay pension contributions under article 59 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.”.