
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 177

**Local Government Pension Scheme
Regulations (Northern Ireland) 2000**

Part E

Death Grants

General provisions relating to death benefits

Surviving spouse deductions from certain death grants

E5.—(1) A death grant is reduced under this regulation by the appropriate amount if—

- (a) it is payable under regulation E1, E2 or E3(2), and
- (b) a surviving spouse's long-term pension is payable under Part F.

(2) Where—

- (a) the deceased was a man, or
- (b) the deceased was a woman who was treated as a man by virtue of paragraph 2 of Schedule F1,

the appropriate amount for the purposes of paragraph (1) is an amount equal to two eightieths of the deceased's pensionable remuneration multiplied by the length in years of any period of membership before 1st April 1972 in respect of which the widow's, or as the case may be, widower's pension is payable under Part F.

(3) Where the deceased was a woman (other than one to whom paragraph (2)(b) applies), the appropriate amount for the purposes of paragraph (1) is an amount equal to three one hundred and sixtieths of the deceased's pensionable remuneration, multiplied by the length in years of any period—

- (a) of which notice of which was given under paragraph 1(1) of Schedule F1,
- (b) which is treated for those purposes as a period of membership before 1st April 1972, and
- (c) in respect of which a widower's pension is payable under Part F.

(4) In calculating any reduction under this regulation, no account shall be taken of any period of membership in respect of which payment under regulation C13 has been or is to be treated as having been completed.

Adjustments to death grants for certain re-employed pensioners

E6. The provisions of this Part have effect subject to Part III of Schedule D5 (separate benefits of certain persons re-employed by LGPS employers) and Part IV of that Schedule (death in further employment of such employees).

Part-timers' pensionable remuneration for certain purposes of this Part

E7. Paragraph 7 of Schedule D1 (by virtue of which a member is, in respect of any period of part-time local government employment, to be treated as having received the remuneration which would have been paid in respect of a single comparable whole-time employment) does not apply to the application of regulation D1 and that Schedule in ascertaining the deceased's pensionable remuneration for the purposes of regulation E1(2)(a), E3(2)(a) or (3)(b) or E4(2)(ii).

Nomination of beneficiary of death grant

E8.—(1) Subject to paragraph (5), the Committee shall have power, at its discretion, to pay or apply the whole or any part of the lump sum death grant payable under regulation E1(1), E2(1), E3(1) or E4(1) to or for the benefit of all or any of the surviving spouse, children, dependants, relatives, personal representatives or nominated beneficiaries of the deceased member in such shares as the Committee shall in its absolute discretion decide.

(2) The Committee may, but without being in any way bound to do so, have regard to any nomination made by the member.

(3) A nomination shall be made by notice in writing to the Committee in such form as the Committee may from time to time require and shall be revocable.

(4) A nomination shall be revoked by any subsequent nomination which complies with the requirements referred to in paragraph (3).

(5) If or to the extent that the lump sum death grant has not been paid by the expiry of the period of two years following the death of the member, it shall be paid by the Committee to his personal representatives.

(6) For the purposes of this regulation—

- (a) “member” includes a former member who is a person referred to in regulation E2(1), E3(1) or E4(1),
- (b) “nominated beneficiary” means an individual or an unincorporated or incorporated body nominated by the member in any nomination made by him in respect of the lump sum death grant which was in force at the time of his death, and
- (c) “relative” means any living individual who is—
 - (i) a parent of the member or the spouse or surviving spouse of any such person, or
 - (ii) the child or remoter issue of such parent or the spouse or surviving spouse of any such person, or
 - (iii) a former spouse of the member.