

## SCHEDULE D5

### Re-employed pensioners

#### Part IV

#### Surviving Spouses' and Children's Benefits

21.—(1) Where—

- (a) a surviving spouse is entitled to a spouse's long-term pension under regulation F2, and
- (b) the deceased's local government employment was a new employment for the purposes of Part I,

then the annual rate of the long-term pension is the greater of—

(i) the aggregate of—

- (I) half the annual rate of the member's retirement pension, and
- (II) half the annual rate of the retirement pension to which the member would have been entitled in respect of the new employment if on the date of death the entitlement had arisen under regulation D7, and

(ii) half the annual rate of the retirement pension to which the member would have been entitled if—

- (I) on the date of death the member had become entitled under that regulation, and
- (II) notice had been given under paragraph 9.

(2) For the purposes of sub-paragraph (1)—

- (a) any increase in the deceased's retirement pension under regulation D2(2), and
- (b) any reduction in that pension under regulation H2, or by virtue of a surrender under regulation D14,

shall be disregarded.