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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 279**

The Local Government (Discretionary  
Payments) Regulations (Northern Ireland) 2001

Part III

Compensation for Premature Retirement

*Awards to surviving children*

**Amount of children's long-term compensation**

**24.**—(1) Children's long-term compensation is payable at an annual rate equal to the appropriate fraction of the deceased's annual compensation.

(2) In paragraph (1) "the appropriate fraction" means—

- (a) where there is a surviving spouse to whom surviving spouse's short-term compensation or long-term compensation is payable (or would be payable apart from regulation 19(4))—
  - (i) if there is one eligible child, one quarter; and
  - (ii) if there are two or more eligible children, one half;
- (b) where there is no such surviving spouse or in respect of any period after the death of such a surviving spouse—
  - (i) if there is one eligible child, one third; and
  - (ii) if there are two or more eligible children, two thirds.

(3) For the purposes of paragraph (1), "the deceased's annual compensation" means any annual compensation which would have been payable to the deceased in accordance with these Regulations immediately before his death—

- (a) if there were disregarded—
  - (i) any adjustment in accordance with regulation 11, 12, 13, 17(3) or 18; and
  - (ii) in a case where at the time of the deceased's death, the deceased was in a new employment in which he was not a LGPS member, any adjustment in accordance with regulation 14 and 15; and
- (b) in a case where at the time of the deceased's death, the deceased was in a new employment in which he was a LGPS member, if that annual compensation was reduced in accordance with regulation 17, on the assumption that the total period of membership referred to in regulation 17(5)(b)(ii) was the membership which he would have been entitled to reckon as membership on the relevant assumptions if he had been, at the time of his death, a person such as is mentioned in regulation D7(1)(b) of the LGPS Regulations.

(4) Where periodic payments (as defined in regulation 22(3)) are received in respect of a child in respect of any period, children's long-term compensation is only payable in respect of that child

and that period if, and to the extent that, it exceeds the amount of the aggregate of those periodic payments.

(5) If an eligible child to whom, or for whose benefit, children's long-term compensation is payable—

- (a) has attained the age of 17; and
- (b) is in receipt of remuneration in respect of full-time training for a trade, profession or calling at an annual rate in excess of the indexed training rate,

then—

- (i) the annual rate of the children's long-term compensation shall be reduced by an amount equal to the amount of that excess (less any reduction made in the children's long-term pension in respect of that excess under regulation G10(1) of the LGPS Regulations); or
- (ii) if it would result in a smaller reduction of the children's long-term compensation, that child shall be disregarded for the purpose of calculating the amount of that compensation.

(6) In paragraph (5)(b) "the indexed training rate" means the annual rate at which an official pension would for the time being be payable if it had begun on 1st April 1994 and had then been payable at an annual rate of £1,450.