
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 352

**Local Government Pension Scheme
Regulations (Northern Ireland) 2002**

PART II

PRIMARY PROVISIONS

CHAPTER IV

BENEFITS

Children's pensions

Children's long-term pensions

48.—(1) If a member dies leaving one or more eligible children, they are entitled to a children's long-term pension.

(2) If the deceased was an active member or pensioner member, it is payable from the end of the period for which the short-term spouse's and short-term children's pensions are payable.

(3) The pension payable on the death of a deferred member is payable from the day after his death.

(4) An eligible child ceases to be entitled to a long-term pension when he ceases to be a child within regulation 46(2).

(5) If the deceased was an active member, the pension is the appropriate fraction of the pension to which he would have been entitled if on the date of death he had become entitled under regulation 29(1) (ill-health).

(6) If the deceased was a deferred member, the pension is the appropriate fraction of the amount of the pension to which he would have been entitled if on the date of death he had become entitled under regulation 26 (normal retirement).

(7) If the deceased was a pensioner member, the pension is the appropriate fraction of his retirement pension disregarding –

- (a) any increase made under regulation 57(2),
- (b) any reduction made under regulation 33 or regulation 36, and
- (c) any loss of pension as a result of an election made under regulation 31.

(8) But in the case of a member who was a pension debit member, the pension is calculated by reference to the pension to which the deceased would have been entitled had his shareable rights not been subject to a pension debit.

(9) If, apart from this paragraph, the calculation of the long-term pension would be based on a member's retirement pension calculated on the basis of membership of less than –

- (a) 10 years; or

- (b) the period he would have been entitled to count if his active membership had continued until his 65th birthday,
- (whichever is the shorter), then that period should be used instead in calculating it.
- (10) The appropriate fractions are –
 - (a) where there is one eligible child –
 - (i) if a surviving spouse’s long-term pension is payable, one quarter,
 - (ii) otherwise one-third;
 - (b) where there is more than one eligible child –
 - (i) if a surviving spouse’s long-term pension is payable, one half,
 - (ii) otherwise two-thirds.
 - (11) If a child in full-time training for a trade, profession or vocation is receiving pay at an annual rate exceeding the training rate –
 - (a) the pension is reduced by the excess; but
 - (b) if the pension would be greater without the child, he need not be counted.
 - (12) In paragraph (11) “the training rate” means the current annual rate of an official pension which began to be paid on 1st April 1994 at an annual rate of £1,450.