

ANNEX

THE NEW FIREFIGHTERS' PENSION SCHEME (NORTHERN IRELAND)

PART 5

AWARDS ON DEATH

Death grant

35.—(1) On the death of a person while serving as a firefighter member, the Board shall pay a death grant of an amount ascertained in accordance with the following provisions of this article (whether or not a pension is payable under any other Part).

(2) Subject to paragraphs (3) to (5) and, where paragraph (8) applies, paragraph (9), the amount is three times that of the deceased's pensionable pay at the time of his death, expressed as an annual rate.

(3) Where—

- (a) the deceased was a whole-time firefighter member at the time of his death;
- (b) had he lived, the deceased would have been entitled to two pensions under article 17; and
- (c) the product of the following formula is greater than three times that of the deceased's pensionable pay at the time of his death, expressed as an annual rate—

$$3 \times \left(\frac{A \times B}{C} + \frac{D \times E}{C} \right)$$

, where

A is the amount of the deceased's pensionable pay on his last day of service that would have been used in the calculation of his pension under article 17(3);

B is the deceased's pensionable service that would have been used in that calculation;

C is the deceased's qualifying service;

D is the deceased's pensionable service that would have been used in the calculation of his pension under article 17(4); and

E is the deceased's pensionable pay at the time of his death,

the amount of the death grant is that greater amount.

(4) Where the deceased was a part-time firefighter member at any time during his period of service (whether or not he was a whole-time firefighter member for part of that period), the amount of the death grant is the greater of—

- (a) three times his pensionable pay at the time of his death (which, if he was then employed part-time, would be calculated at the part-time rate), expressed as an annual rate; and
- (b) the product of the formula—

$$\frac{F}{G} \times H \times 3$$

, where

F is the deceased's pensionable service;

G is the deceased's qualifying service; and

H is the pensionable pay that he would have received if, throughout his period of service, he had been a whole-time firefighter of equivalent role and length of service.

(5) Where the deceased—

- (a) had become entitled to two pensions under article 17(1) at the time of his death; and

Status: This is the original version (as it was originally made).

- (b) had been a part-time firefighter member during the period of service in respect of which he was entitled to a second pension under article 17(4) (whether or not he had been a whole-time firefighter member for part of that period),

the amount is whichever is the greatest of—

- (i) three times his pensionable pay at the time of his death, expressed as an annual rate;
- (ii) the product of the formula specified in paragraph (3); and
- (iii) the product of the formula specified in paragraph (4).

(6) Where the deceased was absent from duty without pay immediately before the day on which he died, his pensionable pay for the purposes of this article, subject to paragraph (8), shall be taken to be the amount, expressed as an annual rate, of the pay appropriate to his role and conditioned hours on the last occasion that he received it.

(7) In paragraph (6), “conditioned hours” means the number of hours that the deceased was required to work each week under the terms of his contract of employment.

(8) The pensionable pay of a person who—

- (a) had made an election under article 58 (reckoning of unpaid period of absence), and
- (b) dies before making any payment under paragraph (2) of that article,

shall be taken to be the amount, expressed as an annual rate, of the pensionable pay that would have been paid if the period of the person’s absence from duty without pay had reckoned as pensionable service.

(9) Where paragraph (8) applies, the death grant shall be abated by the amount due to the Board under article 58(1).

(10) Subject to paragraph (11), the death grant may be paid, in whole or in part to such person or persons as the Board thinks fit.

(11) Subject to paragraph (12), the Board must not pay any part of a death grant to a person who is convicted of the murder or manslaughter of the deceased.

(12) Where a conviction of the description mentioned in paragraph (11) is quashed on appeal, the Board may, if it has not then paid the death grant in full, pay part of it to the person whose conviction is quashed.

Post-retirement death grant

36.—(1) Where—

- (a) a pension under any of articles 11 to 13, 15 or 16 is in payment; and
- (b) the pensioner dies within five years of the pension coming into payment,

the Board shall pay, by way of post retirement death grant, an amount equal to the difference between—

- (i) the amount that it would have paid to the pensioner in that five year period, disregarding any increase in the pension that might have become payable after his death; and
- (ii) the amount paid to him before his death, including any lump sum that he may have received on commutation under article 19 or 20.

(2) Paragraphs (9) to (12) of article 35 shall apply in relation to a grant under this article as they apply in relation to a death grant.