

STATUTORY RULES OF NORTHERN IRELAND

2015 No. 113

The Police Pensions Regulations (Northern Ireland) 2015

PART 9

Death benefits

Chapter 2

Pensions for surviving adults

Surviving adults

133. In these Regulations—

“surviving adult”, in relation to a deceased member of this scheme, means the member's surviving spouse, surviving civil partner or surviving adult partner;

“surviving civil partner”, in relation to a deceased member of this scheme, means a person who was in a civil partnership ^{M1} with the member as at the date of the member's death; and

“surviving spouse”, in relation to a deceased member of this scheme, means a person who was married to the member as at the date of the member's death.

Marginal Citations

M1 See section 1 of the [Civil Partnership Act 2004 \(c. 33\)](#) for the meaning of “civil partnership”.

Meaning of “surviving adult partner”

134.—(1) A person (P) is a surviving adult partner of a deceased member of this scheme if—

(a) [^{F1}the following conditions are met] —

(i) P and the member were cohabiting as partners in an exclusive, committed long-term relationship;

(ii) either P was financially dependent on the member or P and the member were financially interdependent;

(iii) the member was able to marry or form a civil partnership with P; and

^{F2}(iv)

^{F3}(b)

(c) P has satisfied the scheme manager that—

(i) the circumstances in sub-paragraphs (i) to (iii) of paragraph (a) continued to subsist at the time of the member's death; and

(ii) the period of cohabitation had been of at least 2 years' duration at the time of the member's death.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Police Pensions Regulations (Northern Ireland) 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(2) The scheme manager may in its discretion accept a shorter period of cohabitation if satisfied in the particular circumstances of the case that the member and P would have cohabited as partners for at least 2 years had the member not died.

^{F4}(3)

^{F5}(4)

Textual Amendments

- F1** Words in reg. 134(1)(a) substituted (retrospective and with effect in accordance with reg. 1(2)(b) of the amending Rule) by [The Police Pension Schemes \(Amendment\) Regulations \(Northern Ireland\) 2019](#) (S.R. 2019/54), regs. 1(2)(b), **6(1)(a)**
- F2** [Reg. 134\(1\)\(a\)\(iv\)](#) omitted (retrospective and with effect in accordance with reg. 1(2)(b) of the amending Rule) by virtue of [The Police Pension Schemes \(Amendment\) Regulations \(Northern Ireland\) 2019](#) (S.R. 2019/54), regs. 1(2)(b), **6(1)(b)**
- F3** [Reg. 134\(1\)\(b\)](#) omitted (retrospective and with effect in accordance with reg. 1(2)(b) of the amending Rule) by virtue of [The Police Pension Schemes \(Amendment\) Regulations \(Northern Ireland\) 2019](#) (S.R. 2019/54), regs. 1(2)(b), **6(2)**
- F4** [Reg. 134\(3\)](#) omitted (retrospective and with effect in accordance with reg. 1(2)(b) of the amending Rule) by virtue of [The Police Pension Schemes \(Amendment\) Regulations \(Northern Ireland\) 2019](#) (S.R. 2019/54), regs. 1(2)(b), **6(3)**
- F5** [Reg. 134\(4\)](#) omitted (retrospective and with effect in accordance with reg. 1(2)(b) of the amending Rule) by virtue of [The Police Pension Schemes \(Amendment\) Regulations \(Northern Ireland\) 2019](#) (S.R. 2019/54), regs. 1(2)(b), **6(3)**

Meaning of “surviving adult's pension”

135. In these Regulations, “surviving adult's pension” means any of the following pensions payable to a surviving adult under this Chapter—

- (a) a surviving adult's earned pension;
- (b) a surviving adult's lower tier ill-health pension;
- (c) a surviving adult's enhanced upper tier ill-health pension;
- (d) a surviving adult's added pension.

Entitlement to surviving adult's pension

136.—(1) This regulation applies in relation to a member who was at the date of death—

- (a) an active member of this scheme with at least 2 years qualifying service;
- (b) a deferred member of this scheme; or
- (c) a pensioner member of this scheme.

(2) The surviving adult of the member is entitled to payment for life of a surviving adult's pension as follows—

- (a) if the member was entitled to the immediate payment of a retirement earned pension at the date of the member's death, or would have become entitled to such a pension had the member not died, a surviving adult's earned pension;
- (b) if the member was entitled to the payment for life of a lower tier ill-health pension at the date of the member's death, a surviving adult's lower tier ill-health pension;
- (c) if the member was entitled to the payment for life of both a lower tier ill-health pension and an enhanced upper tier ill-health pension at the date of the member's death, a surviving

adult's lower tier ill-health pension and a surviving adult's enhanced upper tier ill-health pension;

- (d) if the member was entitled to the payment for life of a retirement added (all beneficiaries) pension as at the date of the member's death or would have become entitled to such a pension had the member not died, a surviving adult's added pension.

(3) The scheme manager may withhold a surviving adult's pension that would otherwise be payable to the surviving spouse, if the member and the surviving spouse married less than 6 months before the member's death;

(4) The scheme manager may withhold a surviving adult's pension that would otherwise be payable to a surviving civil partner if the civil partnership was formed less than 6 months before the member's death.

(5) Paragraphs (3) and (4) are subject to regulation 150 (guaranteed minimum pensions for surviving spouses and civil partners).

Surviving adult's pension payable in respect of pension debit member

137. The annual rate of surviving adult's pension payable in respect of a pension debit member is calculated by reference to the pension debit member's rights under these Regulations as reduced under Article 28 of the 1999 Order.

Annual rate of surviving adult's pensions payable on death of pensioner member

138.—(1) This regulation applies on the death of a pensioner member of this scheme (P).

(2) The annual rate of a surviving adult's earned pension is an amount equal to 50% of the annual rate of retirement earned pension calculated without subtracting the early payment reduction (if any).

(3) The annual rate of a surviving adult's lower tier ill-health pension is an amount equal to 50% of the annual rate of P's lower tier ill-health pension.

(4) The annual rate of a surviving adult's enhanced upper tier ill-health pension is an amount equal to 50% of the annual rate of P's enhanced upper tier ill-health pension.

(5) The annual rate of a surviving adult's added pension is an amount equal to 50% of the annual rate of retirement added (all beneficiaries) pension calculated without subtracting the early payment reduction (if any);

(6) In accordance with section 7(4) of the 1971 Act, for the purposes of this regulation there is to be disregarded any increase in the annual rate of a pension since the beginning date for that pension.

Annual rate of surviving adult's pensions payable on death of deferred member

139.—(1) This regulation applies on the death of a deferred member of this scheme.

(2) The annual rate of a surviving adult's earned pension is an amount equal to 50% of the sum of the provisional amount of deferred earned pension specified in the deferred member's account.

(3) The annual rate of a surviving adult's added pension is an amount equal to 50% of the provisional amount of deferred added (all beneficiaries) pension specified in the deferred member's account.

(4) In this regulation “deferred earned pension” means —

- (a) deferred standard earned pension; and
- (b) deferred club transfer earned pension (if any).

Annual rate of surviving adult's pensions payable on death of active member

140.—(1) This regulation applies on the death of an active member of this scheme who has at least 2 years qualifying service.

(2) The annual rate of a surviving adult's earned pension is an amount equal to 50% of the annual rate of ill-health pension under this scheme that would have been payable to the member on the date of the member's death had the member met the upper tier threshold.

(3) The annual rate of a surviving adult's added pension is an amount equal to 50% of the amount of retirement added (all beneficiaries) pension that would have been specified in the member's retirement account had the member become entitled to such a pension on the date of the member's death.

Reduction in pensions in cases of wide age disparity

141.—(1) This regulation applies if, on the death of a member of this scheme, a surviving adult's pension becomes payable to a surviving adult who is more than 12 years younger than the member.

(2) The annual rate of the surviving adult's pension is reduced by the lower of—

(a) 50% of the amount of the annual rate of the pension calculated under regulation 138, 139 or 140; and

(b)

$$2.5 \times (N - 12)\%$$

Changes to legislation:

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Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Ch. 4 cease to have effect from 1/4/2024 by [S.R. 2024/38 reg. 10](#)
- Sch. 1 para. 1(d) substituted by [S.R. 2024/38 reg. 42\(3\)](#)
- reg. 19(1A) inserted by [S.R. 2024/38 reg. 7](#)
- reg. 75(3) inserted by [S.R. 2024/38 reg. 13](#)
- reg. 79(5) inserted by [S.R. 2024/38 reg. 14](#)
- reg. 84(3)(4) inserted by [S.R. 2024/38 reg. 16\(3\)](#)
- reg. 90(4) inserted by [S.R. 2024/38 reg. 20](#)
- reg. 117(2) inserted by [S.R. 2024/38 reg. 32\(7\)](#)
- reg. 202(5)(a) and words omitted by [S.R. 2024/38 reg. 37\(2\)](#)
- reg. 209(3A) inserted by [S.R. 2024/38 reg. 39\(2\)](#)
- reg. 219(5) inserted by [S.R. 2024/38 reg. 41](#)