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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 120**

The Health and Social Care Pension Scheme  
Regulations (Northern Ireland) 2015

PART 6

Survivor benefits

CHAPTER 2

Child survivor

**Amount of child pension: deceased active member**

**122.**—(1) This regulation applies to determine the annual amount of pension payable under regulation 120 if, at the date of death, the deceased was—

- (a) an active member of this scheme; and
  - (b) not also a pensioner member of this scheme.
- (2) The amount, unless paragraph (6) or (7) applies is the appropriate fraction of—
- (a) the basic death pension; plus
  - (b) if the member had made an additional pension election under regulation 54(3)(b) (self and survivor), 75% of the amount of additional pension.
- (3) The basic death pension is found by applying the following formula:

$$\left( FP + \frac{A \times B}{C} - A \right) \times 67.5\%$$

where—

FP is the amount of full retirement earned pension which, if at the date of death the deceased had become entitled to an ill-health pension, would be specified in the pensioner member's account;

A is the aggregate of the amounts of all of the member's pensions from pensionable service on the day after the member's last day of pensionable service (L+1)—

- (i) disregarding any additional pension; and
- (ii) including any increases applied by virtue of the Pensions (Increase) Act (Northern Ireland) 1971(1);

B is the period counted in days which is the greater of—

- (i) the aggregate of the total period of pensionable service counted in days over which the pensions referred to in A were accrued and 50% of the length of the period starting on L

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+1 and ending on the day the deceased would have reached prospective normal pension age; and

(ii) 10 years;

C is the total period of pensionable service counted in days over which the pensions aggregated to find A were accrued,

and for the purposes of B and C, any part of a day is taken to be a whole day.

(4) The appropriate fraction is shown in Column 3 of the following table against the description of circumstances in Columns 1 and 2 to which it relates.

**Table**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Surviving adult: pension entitlement and relationship to eligible child</i>	<i>Number of eligible children</i>	<i>Appropriate fraction</i>
A. There is a surviving parent or a surviving spouse or civil partner of a parent and a surviving adult's pension is payable under regulation 112	One eligible child	1/4
	Two or more eligible children	1/2
B. There is a surviving parent or a surviving spouse or civil partner of a parent but no pension is payable under regulation 112	One eligible child	1/3
	Two or more eligible children	2/3
C. There is no surviving parent or spouse or civil partner of parent;	One eligible child	1/3
	Two or more eligible children	2/3

(5) Paragraph (6) applies if—

- (a) a surviving adult dependent's pension is payable under regulation 112; and
- (b) there is a eligible child who is not dependent on the person entitled to the pension.

(6) The rate of pension payable in respect of the child for the first three months after the deceased's death is equal to—

- (a) if the deceased member was in non-practitioner employment, the rate of the member's pensionable earnings at the time of death;
- (b) if the deceased member was a practitioner or non-GP provider, the average rate of the member's pensionable earnings during the last complete quarter before the member's death.

(7) Where entry B or C of column 1 of the table in paragraph (4) applies, the rate of the pension in respect of a eligible child for the period of six months starting with the deceased's death is equal to—

- (a) if the deceased member was in non-practitioner employment, the rate of the member's pensionable earnings at the time of death;
- (b) if the deceased member was a practitioner or non-GP provider, the average rate of the member's pensionable earnings during the last complete quarter before the member's death.

(8) Non-practitioner employment is employment other than as a practitioner or non-GP provider.