

SCHEDULE 1

THE NEW FIREFIGHTERS' PENSION SCHEME (SCOTLAND)

PART 4

SURVIVORS' PENSIONS

CHAPTER 1

SURVIVING SPOUSES, CIVIL PARTNERS AND NOMINATED PARTNERS

Pensions for surviving spouses, civil partners and nominated partners

1.—(1) Subject to the following provisions of this rule, a pension is payable on the death of—

- (a) a firefighter member who satisfies an eligibility condition and dies while employed by an authority; or
- (b) a former firefighter member who—
 - (i) has been awarded a deferred pension under rule 3 of Part 3 which has not come into payment; or
 - (ii) is in receipt of a deferred pension under that rule; or
 - (iii) is in receipt of a pension under any of rules 1, 2, 5 and 6 of Part 3,

to the deceased's spouse, civil partner or nominated partner for the remainder of their life (a "survivor's pension").

(2) A survivor's pension is not payable if the deceased's spouse, civil partner or nominated partner (as the case may be) is convicted of the murder of the deceased; but this is subject to paragraph (4).

(3) Subject to paragraph (5), where the deceased's spouse, civil partner or nominated partner (as the case may be) is convicted of the culpable homicide or manslaughter of the deceased, the authority may, as they think fit, withhold the survivor's pension—

- (a) in whole or in part; and
- (b) permanently or temporarily.

(4) Where a conviction of the description mentioned in paragraph (2) is quashed on appeal—

- (a) a survivor's pension shall be payable from the day after that on which the deceased died; and
- (b) the authority shall, as soon as reasonably practicable after the conviction is quashed, pay the arrears of pension accrued.

(5) Where—

- (a) a conviction of the description mentioned in paragraph (3) is quashed on appeal; and
- (b) the authority have withheld any part of the survivor's pension,

the authority's decision under paragraph (3) shall be treated as revoked and they shall, as soon as reasonably practicable after the conviction is quashed, pay the arrears of pension accrued from the day after that on which the deceased died.

(6) Nothing in paragraph (4) or (5) shall affect the application of paragraph (2) or (3) if the person whose conviction is quashed is subsequently convicted of the murder, culpable homicide or manslaughter of the deceased.