

SCHEDULE 1

THE NEW FIREFIGHTERS' PENSION SCHEME (SCOTLAND)

PART 4

SURVIVORS' PENSIONS

CHAPTER 1

SURVIVING SPOUSES, CIVIL PARTNERS AND NOMINATED PARTNERS

Amount of survivor's pension: special cases

3.—(1) Subject to paragraph (2), where the person entitled to a survivor's pension under rule 1 of this Part is more than twelve years younger than the deceased on the day on which the deceased dies, a reduction of 2.5 per cent for each year by which the survivor's age exceeds, by more than twelve years, that of the deceased, shall be applied to the rule 2 amount.

(2) Where the application of paragraph (1) would result in the payment of a survivor's pension of less than 50 per cent of the rule 2 amount, the survivor's pension shall be 50 per cent of the rule 2 amount.

(3) Where—

- (a) a pension debit member satisfies an eligibility condition and dies while employed by an authority;
- (b) a survivor's pension is payable under rule 1 of this Part on the pension debit member's death; and
- (c) a pension sharing order or, in the case of a surviving civil partner, an order to similar effect, had effect on the day on which the pension debit member died,

the amount of the survivor's pension shall be ascertained with regard to the terms of that order.

(4) In paragraphs (1) and (2), "the rule 2 amount" means the amount that would have been ascertained in accordance with rule 2 of this Part if that rule were not subject to paragraphs (1) to (3) of this rule.

(5) For the purposes of paragraph (1), a part of a year shall be treated as a whole year.