
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 142

The Police Pension Scheme (Scotland) Regulations 2015

PART 9

Death benefits

CHAPTER 2

Pensions for surviving adults

Surviving adults

124. 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⁽¹⁾ with the member 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 at the date of the member’s death.

Meaning of “surviving adult partner”

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

(a) the member has sent to the scheme manager a written declaration in a form required by the scheme manager signed by both the member and P that—

(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

(iv) the member acknowledged an obligation to give the scheme manager a signed notice of revocation should the relationship terminate;

(b) the member has not revoked the declaration before the member’s death; and

(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.

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

(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.

(3) The member or P may revoke a declaration at any time by giving a signed notice to the scheme manager in any form the scheme manager requires.

(4) On receipt of a declaration or notice under this regulation, the scheme manager must send the member a written notification of its receipt.

Meaning of “surviving adult’s pension”

126. 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

127.—(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 immediate payment for life of a surviving adult’s pension as follows—

- (a) if the member was entitled to payment for life 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 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 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 payment for life of a retirement added (all beneficiaries) 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 added pension.

(3) The scheme manager may in its discretion withhold a surviving adult’s pension that would otherwise be payable to a surviving spouse if the member and the surviving spouse were married less than 6 months before the member’s death.

(4) The scheme manager may in its discretion 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 141 (guaranteed minimum pensions for surviving spouses and civil partners).

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

128. 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 section 31 of WRPA 1999.

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

129.—(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 PIA 1971, 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

130.—(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

131.—(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 the immediate payment of such a pension on the date of the member's death.

Reduction in pensions in cases of wide age disparity

132.—(1) This regulation applies if, on the death of a member of this scheme, a surviving adult's 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—

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- (a) 50% of the amount of the annual rate of the pension calculated under regulation 129, 130 or 131; and
 - (b) $2.5 \times (N - 12)\%$ of the amount of the annual rate of the pension so calculated,
- where N is the number of whole years by which the surviving adult is younger than the member.