
STATUTORY INSTRUMENTS

1996 No. 1680

**The Local Government (Discretionary
Payments) Regulations 1996**

PART V

INJURY ALLOWANCES ETC.

Death benefits

37.—(1) If—

- (a) as a result of anything he was required to do in carrying out his work a person who is employed in a relevant employment—
 - (i) sustains an injury; or
 - (ii) contracts a disease; and
- (b) he dies as a result of the injury or disease,

then—

- (i) subject to paragraph (2), if the deceased leaves a surviving spouse or spouses, the surviving spouse or all of them shall be entitled to an annual allowance or lump sum; and
- (ii) if the deceased leaves a dependant, the dependant shall be eligible for an annual allowance or lump sum.

(2) A surviving spouse shall not be entitled to an annual allowance or lump sum if at the date of death he was cohabiting with another person outside marriage.

(3) The allowance or lump sum is to be paid by the relevant employer and is to be of such amount as the employer may from time to time determine.

(4) Subject to paragraph (5), an allowance to a surviving spouse shall cease if he remarries or cohabits with another person outside marriage, but if that marriage is dissolved or the cohabitation ceases the relevant employer may restore the allowance for such period as the employer may determine.

(5) Where the person whom the surviving spouse marries or with whom he cohabits is also a surviving spouse entitled to an allowance under this regulation, they may determine which of them is to be entitled to the allowance and the other shall cease to be entitled to it until the dissolution of the marriage or, as the case may be, the ending of the cohabitation.

(6) An allowance to a dependant shall continue for such period as the relevant employer may determine.