
STATUTORY INSTRUMENTS

1997 No. 1612

The Local Government Pension Scheme Regulations 1997

PART II

PRIMARY PROVISIONS

CHAPTER IV

BENEFITS

Death grants

Death grants

38.—(1) If a member dies, the administering authority may make payments to or for the benefit of the member's nominee or any person appearing to the authority to have been his relative or dependant at any time.

(2) The aggregate amount paid under paragraph (1) must not exceed the member's death grant.

(3) The multiplier for an active member's death grant is 2.

(4) The multiplier for a deferred member's death grant is the same as for his retirement grant.

(5) The multiplier for a pensioner member's death grant is 5, but the amount so calculated is reduced by the amounts of any retirement pension paid to him.

(6) If the administering authority have not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of the period of 2 years beginning with his death, they must pay an amount equal to the shortfall to the member's personal representatives.

(7) For these Regulations, any payments made under paragraph (1) must be treated as payments made by way of death grant.

Reduction of death grants: re-employed pensioners

39.—(1) If—

(a) after the deceased became entitled to a pension under the Scheme (“the previous pension”) he entered further local government employment,

(b) on leaving the further employment he became entitled to a pension (“the additional pension”) but not to a single pension by making an election under regulation 29, and

(c) his entitlement to the previous or additional pension was by virtue of an election under regulation 31,

the death grant payable because of his membership in the further employment must be reduced (or extinguished) to the extent necessary to prevent his total pension benefits exceeding (or further exceeding) his relevant final pay.

(2) A person's total pension benefits are the total of—

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- (a) every death grant and all pension payments made as respects his previous pension (including increases under the Pensions Increase Act 1971(1) and the Pensions Increase Act 1974(2)), and
 - (b) all pension payments made as respects his additional pension (including such increases).
- (3) A person's relevant final pay is the greater of—
- (a) the final pay used for calculating his previous pension (adjusted for inflation), and
 - (b) the final pay used for calculating his additional pension.
- (4) The pay for an employment must be adjusted for inflation by calculating the amount to which it would have increased if it were an official pension becoming payable from the end of that employment.

(1) 1971 c. 56.
(2) 1974 c. 9.