

SCHEDULE 6

FAMILY BENEFITS

PART IV

FAMILY BENEFITS AND WAR SERVICE

17.—(1) In this Part—

- (a) any reference to regulations D5 or D6 is a reference to regulation D5 or D6 of the 1988 Regulations which continue to have effect for certain purposes by virtue of paragraph 12 of Schedule 15; and
- (b) “war service period” means a period which a person is entitled to count as reckonable service by virtue of regulation D5 or D6, and references to a person’s being notified are references to his being notified of the Secretary of State’s determination of a claim made under regulation D5 or D6.

(2) This Part does not apply—

- (a) if the person’s family benefit service does not include all periods counting as reckonable service otherwise than by virtue of regulation D5 or D6, or
- (b) if his war service period counts by virtue of regulation D5, his qualifying service for the purposes of that regulation was fire service or police service or Northern Ireland fire service or police service, and he died before 1st April 1975, or
- (c) if his war service period counts by virtue of regulation D5, his qualifying service was National Health service or service in health and personal social services in Northern Ireland, and he died before 17th July 1975, or
- (d) if his war service period counts by virtue of regulation D5, his qualifying service was local government service or Northern Ireland local government service, and he died before 1st April 1978.

18.—(1) Subject to paragraph 21, a person who was notified before becoming entitled to payment of retirement benefits may, by giving written notice to the Secretary of State within 3 months after the relevant date, elect that his war service period is to be included in his family benefit service.

(2) The relevant date—

- (a) if he applied for payment of retirement benefits before becoming entitled to payment of them and before being notified, is the date on which he was notified, and
- (b) in any other case, is the date on which he applied for payment of retirement benefits.

19. Subject to paragraph 21, a person who was notified after becoming entitled to payment of retirement benefits may, by giving written notice to the Secretary of State within 6 months after the date on which he was notified, elect that his war service period is to be included in his family benefit service.

20.—(1) If an election is made under paragraph 18 or 19 an additional contribution equal to the actuarial value of the war service period at 1st April 1978 becomes payable.

(2) In the case of an election under paragraph 18 the additional contribution is to be deducted from the appropriate terminal sum.

(3) In the case of an election under paragraph 19 the additional contribution may, without prejudice to any other method of recovery, be deducted from any death grant under regulation E20.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

21.—(1) If the person—

- (a) died before 15th February 1982, or
- (b) has died before being notified, or
- (c) has died after being notified and without having made an election under paragraph 18 or 19 but while still entitled to do so,

paragraphs 18 to 20 do not apply but 2/3rds of his war service period is included in his family benefit service.

(2) If the person died before 15th February 1982 this paragraph does not apply so as to reduce the amount of any family benefit.