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SCHEDULE 1

The New Provisions

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APPENDIX 3—RULES OF THE NATS SECTION

PART 2:

BENEFITS AND THE ADMINISTRATION OF BENEFITS

28.

DEATH AFTER PENSION STARTS

Lump sum

28.1 When a Class B Member, of the NATS Section, in respect of whom no pension will become payable in accordance with any other paragraph of this Rule dies after commencement of his pension from the NATS Section, the Trustees shall pay in accordance with Rule 37 a sum equal to the amount (if any) by which:

- (a) the total of the contributions (other than voluntary contributions) paid by him to the NATS Section (and under the Previous Scheme Provisions) together with such of his voluntary contributions to the NATS Section (and under the Previous Scheme Provisions) as the Trustees shall determine and his Transferred Contributions (if any) with the addition of 3% per annum compound interest thereon up to the date on which the Member left Service or, if earlier, the date of commencement of his pension hereunder,

exceeds

- (b) the aggregate of:
 - (i) the total of the instalments of the Member's pension from the NATS Section paid before his death; and
 - (ii) any cash sum paid to the Member under Rule 29 and under any other provision of the NATS Rules.

28.2 If a Member of the NATS Section who opted under Rule 27.3 to receive a pension from the NATS Section while remaining in Service after Normal Pension Date and to defer receiving a cash sum under Rule 29.2 dies before receiving such cash sum he shall be treated for the purposes of this Rule as having retired on the day before he died and the Trustees shall pay in accordance with Rule 37 a lump sum equal to the said cash sum with the addition of interest up to the day before the Member's death at a rate which the Trustees with the advice of the Actuary consider to be reasonable.

Spouse's pension

28.3 If a Member of the NATS Section dies after a pension has become payable to him from the NATS Section or after receiving a cash sum under Rule 29.2 while remaining in Service on or after Normal Pension Date and is survived by a Spouse (or other beneficiary to whom a pension is payable in accordance with Rule 25.3) the pension described in Rule 25.2 shall, subject to Rule 25.3, become payable to the Spouse (or other beneficiary as aforesaid) from the first day of the month following the Member's death. Such pension shall:

- (a) for a period of three months from its commencement or, if longer, for the balance of the period of five years beginning at the commencement of payment of the Member's pension from the NATS Section, be equal to 1/12th of the Member's Relevant Pension for each month in the said period; and
- (b) thereafter, be equal to 60% of the Member's Relevant Pension.

Children's pension

28.4 If a Member of the NATS Section dies after a pension has become payable to him under these Rules or after receiving a cash sum under Rule 29.2 while remaining in Service on or after Normal Pension Date and is survived by a Spouse (or other beneficiary to whom a pension is payable in accordance with Rule 25.3) and by one or more Qualifying Children, the pension described in Rule 25.2 and equal to 1/4 of the Member's Relevant Pension if there is one Qualifying Child and equal to 40% of the Member's Relevant pension if there are two or more Qualifying Children shall become payable from the date on which the pension at the rate described in Rule 28.3(b) commences to be payable and shall be paid or applied by the Trustees as hereinafter described; provided always that:

- (a) if the Member's Spouse (or other beneficiary as aforesaid) dies while a pension is payable under Rule 28.3; or
- (b) if, for exceptional reasons, the Trustees so direct the pension under this Rule 28.4 shall commence or, as appropriate, continue to be payable in the amount described in Rule 28.5.

28.5 If a Member of the NATS Section dies after a pension has become payable to him under these NATS Rules or after receiving a cash sum under Rule 29.2 while remaining in Service on or after Normal Pension Date and is survived by one or more Qualifying Children but not by a Spouse (or other beneficiary to whom a pension is payable in accordance with Rule 25.3) the pension described in Rule 25.2 and equal to 1/3rd of the Member's Relevant Pension in respect of each Qualifying Child (up to a maximum of two) shall become payable from the date of the Member's death and shall be paid or applied by the Trustees as hereinafter described; provided always that:

- (a) if the Trustees so direct the amount of pension payable under this Rule 28.5 shall be as described in Rule 28.4; and
- (b) the Trustees may in their discretion augment any pension payable under this Rule 28.5 by such amount as they determine but not so that the aggregate of any augmentation in respect of the Member under this paragraph (b) and of any pensions payable to Dependants under Rule 28.8 below would exceed the pension which would have been payable under Rule 28.3 if the Member had been survived by a Spouse.

28.6 Any pension payable under Rules 28.4 or 28.5 shall be paid by the Trustees to or for the benefit of the Qualifying Child and if and so long as there are two or more Qualifying Children to or for their benefit in equal shares subject always to the provisions of Rule 42.

28.7 Notwithstanding the previous provisions of this Rule the Trustees may at their discretion pay or continue to pay for such period as they think fit a pension of an amount determined by the Trustees to a child of a deceased Member of the NATS Section whether such child is not or has ceased to be a Qualifying Child if in the opinion of a Medical Adviser such child is incapable of earning his own living by reason of bodily or mental infirmity.

Dependants' Pension

28.8 If a Member of the NATS Section dies after any pension has become payable to him from the NATS Section and is survived by one or more Dependants but not by a Spouse (or other beneficiary to whom a pension is payable in accordance with Rule 25.3) the Trustees may in their discretion decide whether a pension such that the aggregate of it and of any augmentation of pension payable under Rule 28.5 in respect of the Member's Qualifying Children would not exceed the pension which would have been payable under Rule 28.3 if the Member had been survived by a Spouse, shall become payable from the date of the Member's death (or from the cessation of any pension payable under Rule 28.5 in respect of the Member's Qualifying Children) and, if so, such pension shall be paid or applied by the Trustees to or for the benefit of such one or more of the Member's Dependants at such rate and in such shares as the Trustees shall from time to time decide.