
STATUTORY INSTRUMENTS

2014 No. 1964

**The Public Service (Civil Servants and
Others) Pensions Regulations 2014**

PART 8

Death benefits

CHAPTER 1

Pensions for surviving adults

Surviving adults

100. 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 nominated partner;

“surviving civil partner”, in relation to a deceased member of this scheme, means a person who was in a civil partnership 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 nominated partner”

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

- (a) the member nominated P to receive a pension on the member’s death;
- (b) the nomination was made by a written declaration signed by both the member and P in a form required by the scheme manager; and
- (c) P satisfies the scheme manager that immediately before the member’s death—
 - (i) P and the member were cohabiting as partners in an exclusive, committed long-term relationship;
 - (ii) P and the member were not prevented from entering into a marriage or a civil partnership; and
 - (iii) either P was financially dependent on the member, or P and the member were financially interdependent.

(2) The member or P may revoke a declaration under paragraph (1)(b) at any time by signed notice to the scheme manager in any form the scheme manager requires or is willing to accept.

Meaning of “surviving adult’s pension”

102. In these Regulations, “surviving adult’s pension” means any of the following pensions payable to a surviving adult under this Chapter—

- (a) a dependant’s earned pension;
- (b) a dependant’s lower tier earned pension;
- (c) a dependant’s upper tier top up earned pension;
- (d) a dependant’s added pension.

Meaning of “dependant’s earned pension”

103. A dependant’s earned pension is a pension payable on the death of a member of this scheme if the member was a pensioner member or would have become entitled to a full retirement earned pension had the member not died.

Meaning of “dependant’s lower tier earned pension”

104. A dependant’s lower tier earned pension is a pension payable on the death of a member of this scheme if the member was entitled to the immediate payment of a lower tier earned pension as at the date of the member’s death.

Meaning of “dependant’s upper tier top up earned pension”

105. A dependant’s upper tier top up earned pension is a pension payable on the death of a member of this scheme if the member was entitled to the immediate payment of an upper tier top up earned pension as at the date of the member’s death.

Meaning of “dependant’s added pension”

106. A dependant’s added pension is a pension payable on the death of a member of this scheme if the member—

- (a) was entitled to the immediate payment of a full retirement added (all beneficiaries) pension as at the date of the member’s death; or
- (b) would have become entitled to such a pension had the member not died.

Entitlement to surviving adult’s pension

107.—(1) This regulation applies where a member was, at the date of the member’s death,—

- (a) an active member of this scheme in relation to a continuous period of pensionable service of at least 12 months;
- (b) a deferred member of this scheme; or
- (c) a pensioner member of this scheme.

(2) If the member was a transition member with continuity of service, the continuous period of pensionable service mentioned in paragraph (a) includes the member’s period of pensionable service under the PCSPS before the closing date.

(3) The surviving adult of the member is entitled to payment for life of a surviving adult’s pension as follows—

- (a) if the member was a pensioner member or would have become entitled to a full retirement earned pension had the member not died, a dependant’s earned pension;
- (b) if a lower tier earned pension was payable as at the date of the member’s death, a dependant’s lower tier earned pension;
- (c) if an upper tier top up earned pension was payable as at the date of the member’s death, a dependant’s upper tier top up earned pension;

- (d) if the member was entitled to the immediate payment of a full retirement added (all beneficiaries) pension as at the date of the member's death or would have become entitled to such a pension had the member not died, a dependant's added pension.
- (4) The scheme manager may withhold a surviving adult's pension where—
 - (a) for a pension that would otherwise be payable to the surviving spouse, the member and the surviving spouse were married less than 6 months before the member's death;
 - (b) for a pension that would otherwise be payable to a surviving civil partner, the civil partnership was formed less than 6 months before the member's death.
- (5) Paragraph (4) is subject to regulation 120 (guaranteed minimum pensions for surviving spouses and civil partners).

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

- 108.**—(1) This regulation applies on the death of a pensioner member of this scheme (P).
- (2) The annual rate of a dependant's earned pension is an amount equal to 37.5% of the sum of—
 - (a) the total amount of full retirement earned pension specified in P's full retirement account as at the date of P's death; and
 - (b) the total amount of partial retirement earned pension specified in P's partial retirement account as at the date of P's death.
 - (3) The annual rate of a dependant's lower tier earned pension is an amount equal to 37.5% of the annual rate of P's lower tier earned pension, calculated without subtracting the commutation amount (if any) and the total allocation amount (if any).
 - (4) The annual rate of a dependant's upper tier top up earned pension is an amount equal to 37.5% of the amount of the notional annual rate of P's upper tier top up earned pension, calculated without subtracting the commutation amount (if any) and the total allocation amount (if any).
 - (5) The annual rate of a dependant's added pension is an amount equal to 37.5% of the total of—
 - (a) the amount of full retirement added (all beneficiaries) pension specified in P's full retirement account as at the date of P's death; and
 - (b) the amount of partial retirement added (all beneficiaries) pension specified in P's partial retirement account as at the date of P's death.
 - (6) In this regulation—

“the enhancement fraction” means $\frac{X}{Y}$ where—

X is the lower of—

- (a) the number of years in the member's assumed period of pensionable service; and
- (b) 10;

Y is the lower of—

- (a) the number of years for which the member has been an active member of this scheme; and
- (b) if the member was entitled to payment of an ill-health pension, the number of scheme years in relation to which an amount of earned pension was specified in the active member's account before the member became entitled to payment of that pension⁽¹⁾;

“the member's assumed period of pensionable service” means the period (expressed in years)—

(1) An active member's account is closed under regulation 45 when a full retirement pension becomes payable.

- (a) beginning with the day after the member’s last day of pensionable service; and
 - (b) ending with—
 - (i) for a member employed for a fixed term, the day with which that term would have ended; and
 - (ii) for a member otherwise employed, the day before the day on which the member would have reached prospective normal pension age if the member had lived until that age; and
- “notional annual rate”, in relation to P’s upper tier top up earned pension, is the lesser of the following amounts—
- (a) the amount of the annual rate of P’s upper tier top up earned pension; and
 - (b) the amount of P’s full retirement earned pension or partial retirement earned pension.
- (7) In working out the amount of full retirement earned pension or partial retirement earned pension for the purpose of the definition in paragraph (6) of “notional annual rate” —
- (a) unless sub-paragraph (b) applies, the accrued earned pension is the lesser of—
 - (i) the amount of accrued earned pension not attributable to a transfer payment; and
 - (ii) the enhancement fraction of the amount mentioned in paragraph (i);
 - (b) if the member is a transition member with continuity of service, the accrued earned pension is the lesser of—
 - (i) the total amount of accrued earned pension under this scheme which is not attributable to a transfer payment and accrued earned pension under the PCSPS which is not attributable to a transfer payment; and
 - (ii) the enhancement fraction of the amount mentioned in sub-paragraph (a)(i).
- (8) 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

- 109.**—(1) This regulation applies on the death of a deferred member of this scheme.
- (2) The annual rate of a dependant’s earned pension is an amount equal to 37.5% of the sum of the provisional amount of deferred earned pension specified in the deferred member’s account.
 - (3) The annual rate of a dependant’s added pension is an amount equal to 37.5% of the provisional amount of deferred added (all beneficiaries) pension specified in the deferred member’s account.

Annual rate of surviving adult’s pensions payable on death of active member (death in service)

- 110.**—(1) This regulation applies on the death of an active member of this scheme, in relation to a continuous period of pensionable service of at least 12 months.
- (2) If the member was a transition member with continuity of service, the continuous period of pensionable service mentioned in paragraph (1) includes the member’s period of pensionable service under the PCSPS before the closing date.
 - (3) The annual rate of a dependant’s earned pension is an amount equal to 37.5% of the amount of full retirement earned pension that would have been specified in the member’s full retirement account under regulation 52(2) had P become entitled to the immediate payment of a full retirement pension on the date of P’s death.

(4) The annual rate of a dependant's added pension is an amount equal to 37.5% of the amount of full retirement added (all beneficiaries) pension that would have been specified in the member's full retirement account under regulation 52(2) had P become entitled to the immediate payment of a full retirement pension on the date of P's death.

(5) When calculating the amount of a member's full retirement earned pension (except in relation to a member who at the date of the member's death was entitled under regulation 67(a) to the immediate payment of a partial retirement pension)—

(a) unless sub-paragraph (b) applies, the accrued earned pension under this scheme includes an additional amount equal to the lesser of—

- (i) the amount of accrued earned pension not attributable to a transfer payment; and
- (ii) the enhancement fraction of the amount mentioned in paragraph (i);

(b) if the member is a transition member with continuity of service, the accrued earned pension under this scheme includes an additional amount equal to the lesser of—

- (i) the total amount of accrued earned pension under this scheme which is not attributable to a transfer payment and accrued earned pension under PCSPS which is not attributable to a transfer payment; and
- (ii) the enhancement fraction of the amount mentioned in sub-paragraph (a)(i); and

(c) the early payment reduction (if any), the commutation amount (if any) and the total allocation amount (if any) are not subtracted.

(6) In this regulation—

“the enhancement fraction” means $\frac{X}{Y}$ where—

X is the lower of—

- (a) the member's assumed period of pensionable service (expressed in years); and
- (b) 10;

Y is the lower of—

- (a) the number of years for which the member has been an active member of this scheme; and
- (b) number of scheme years in relation to which an amount of earned pension was specified in the active member's account; and

“the member's assumed period of pensionable service” means the period (expressed in years)

—

- (a) beginning with the day after the date of the member's death; and
- (b) ending with—
 - (i) for a member employed for a fixed term, the day on which that term would have ended; and
 - (ii) for a member otherwise employed, the day before the day on which the member would have reached prospective normal pension age if the member had lived until that age.

Reduction in pensions in cases of wide age disparity

111.—(1) This regulation applies if, on the death of a member of this scheme, a surviving adult's pension is payable to a person (“the dependant”) 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 108, 109 or 110, as applicable; 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 dependant is younger than the member.