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WELSH STATUTORY INSTRUMENTS

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**2015 No. 622**

**The Firefighters' Pension Scheme (Wales) Regulations 2015**

**PART 6**

**Death benefits**

**CHAPTER 2**

**Pensions for surviving partners**

**Surviving partner's pension payable on death of active member**

**87.**—(1) This regulation applies in relation to the surviving partner of a member who dies if, at the date of death, the member is an active member and has qualifying service of more than three months.

(2) A surviving partner to whom this regulation applies is entitled to a surviving partner's pension.

(3) Subject to regulation 91 (reduction in pensions in cases of wide age disparity), the annual rate of the surviving partner's pension is an amount equal to half the pension which the member would have been entitled to draw if the member had retired on the grounds of ill-health with the award of a higher tier ill-health pension on the date of the member's death.

**Surviving partner's pension payable on death of deferred member**

**88.**—(1) This regulation applies in relation to the surviving partner of a member who at the date of death is a deferred member.

(2) A surviving partner to whom this regulation applies is entitled to a surviving partner's pension.

(3) Subject to regulation 91 (reduction in pensions in cases of wide age disparity), the annual rate of surviving partner's pension is an amount equal to half of the sum of the provisional amount of deferred pension specified in the deferred member's account and the amount of the added pension (if any) specified in the added pension account.

**Surviving partner's pension payable on death of pensioner member**

**89.**—(1) This regulation applies in relation to the surviving partner of a member (P) who at the date of death is a pensioner member.

(2) A surviving partner to whom this regulation applies is entitled to a surviving partner's pension.

(3) Subject to regulation 91 (reduction in pensions in cases of wide age disparity), the annual rate of the surviving partner's pension is equal to half the amount of the annual rate of the retirement pension payable to P immediately before P's death.

(4) Where an early payment reduction had been made on P's retirement, the amount in paragraph (2) is half of the amount of retirement pension that would have been payable to P if that reduction had not been made.

### **Bereavement pension: surviving partner**

**90.**—(1) Subject to paragraph (2), the surviving partner of an active member, or a pensioner member, is entitled to a bereavement pension for the initial period.

(2) The surviving partner of an active member is only entitled to a bereavement pension if the active member had at least three months qualifying service.

(3) If the member was an active member at the date of the member's death, the weekly amount of the bereavement pension payable under paragraph (1) is equal to the difference between the weekly amount of pensionable pay which the member was paid at the date of the member's death or, where the member was treated as receiving assumed pensionable pay, the weekly amount of assumed pensionable pay, and the weekly amount of the surviving partner's pension.

(4) If the member was a pensioner member at the date of the member's death, the weekly amount of the bereavement pension payable under paragraph (1) is equal to the difference between the weekly amount of the pension to which the member was entitled at the date of the member's death and the weekly amount of the surviving partner's pension.

### **Reduction in pensions in cases of wide age disparity**

**91.**—(1) This regulation applies if, on the death of a member of this scheme, a surviving partner's pension is payable to a person who is more than 12 years younger than the member.

(2) The annual rate of that pension is reduced by the lower of—

(a) 50% of the amount of the annual rate of the pension so calculated; or

(b)  $2.5 \times (N - 12)\%$  of that amount,

where N is the number of whole years by which the surviving partner is younger than the member.

### **Survivor's guaranteed minimum pensions**

**92.**—(1) If a person who is the surviving spouse or civil partner of a deceased active, deferred or pensioner member has a guaranteed minimum under section 17(1) of PSA 1993 in relation to benefits in respect of the deceased member under this scheme—

(a) nothing in these Regulations permits or requires anything that would cause requirements made by or under that Act in relation to such a person and such a person's rights under a scheme not to be met in the case of the person;

(b) nothing in these Regulations prevents anything from being done which is necessary or expedient for the purposes of meeting such requirements in the case of the person.

(2) Paragraphs (3) and (4) are without prejudice to the generality of paragraph (1).

(3) This paragraph applies if apart from this regulation—

(a) no pension would be payable to the surviving partner under this Part; or

(b) the weekly rate of the pensions payable would be less than the guaranteed minimum.

(4) If paragraph (3) applies—

(a) a pension the weekly rate of which is equal to the guaranteed minimum is payable to the surviving partner for life or, as the case may be, pensions the aggregate weekly rate of which is equal to the guaranteed minimum are so payable; or

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(1) Section 17 was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 1, paragraph 39; the Child Support, Pensions and Social Security Act 2000 (c. 19), Schedule 5, paragraph 1 and Schedule 9, Part 3; the Pensions Act 2004 (c. 35), section 284(2); the Pensions Act 2007 (c. 22), section 14(2); the Marriage (Same Sex Couples) Act 2013 (c. 30), Schedule 4, paragraphs 18 and 20; and S.I. 2005/2050 and 2014/560.

- (b) if paragraph (3)(b) applies, the pensions payable are increased to the amount specified in sub-paragraph (a).
- (5) Paragraph (4) does not apply to a pension—
  - (a) that is forfeited—
    - (i) as a result of a conviction for treason, or
    - (ii) in a case where the relevant offence under regulation 181 (forfeiture: offences committed by members, surviving partners or eligible children) falls under paragraph (b) of the definition in that regulation of “relevant offence” (Official Secrets Acts offences); or
  - (b) where that pension is commuted under regulation 177 (commutation of small pensions) where the conditions in regulation 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996<sup>(2)</sup> are met.

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(2) S.I. 1996/1172. Regulation 60 was substituted by S.I. 2006/744 and amended by S.I. 2006/1337, 2009/2930 and 2010/499.