

Schedule 4

Transitional provisions

PART 7

Payment of death benefits in respect of transition members with continuity of service

Annual rate of surviving adult's pension payable under this scheme when a 1988 transition member dies as a pensioner member

25.—(1) This regulation applies in relation to a 1988 transition member with continuity of service who dies as a pensioner member of this scheme.

(2) Benefits for surviving spouses and surviving civil partners are not payable under the 1988 scheme in respect of the member.

(3) The annual rate of a surviving adult's earned pension is the sum of—

- (a) the amount calculated under regulation 138 and
- (b) the amount of annual pension which would have been payable under the 1988 scheme to the member's surviving spouse or surviving civil partner had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse or surviving civil partner would have been entitled under the 1988 scheme.

Annual rate of surviving adult's pension payable under this scheme when a 2006 transition member dies as a pensioner member

26.—(1) This regulation applies in relation to a 2006 transition member with continuity of service who dies as a pensioner member of this scheme.

(2) Benefits for surviving spouses, surviving civil partners or other adult dependants are not payable under the 2006 scheme in respect of the member.

(3) The annual rate of a surviving adult's earned pension is the sum of—

- (a) the amount calculated under regulation 138; and
- (b) the amount of annual pension which would have been payable under the 2006 scheme to the member's surviving spouse, surviving civil partner or other adult dependent had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse, surviving civil partner or other adult dependent would have been entitled under the 2006 scheme.

Annual rate of surviving adult's pension payable under this scheme when a 1988 transition member dies as a deferred member

27.—(1) This regulation applies in relation to a 1988 transition member with continuity of service who dies as a deferred member of this scheme.

(2) Benefits for surviving spouses or surviving civil partners are not payable under the existing police pension scheme in respect of the member.

Status: This is the original version (as it was originally made).

- (3) The annual rate of a surviving adult's earned pension is the sum of—
 - (a) the amount calculated under regulation 139; and
 - (b) the amount of annual pension which would have been payable under the 1988 scheme to the member's surviving spouse or surviving civil partner had those benefits been payable under that scheme in respect of the member.
- (4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse or surviving civil partner would have been entitled under the 1988 scheme.

Annual rate of surviving adult's pensions payable under this scheme when a 2006 transition member dies as a deferred member

- 28.—(1) This regulation applies in relation to a 2006 transition member with continuity of service who dies as a deferred member of this scheme.
- (2) Benefits for surviving spouses, surviving civil partners or other adult dependants are not payable under the 2006 scheme in respect of the member.
 - (3) The annual rate of surviving adult's earned pension is the sum of—
 - (a) the amount calculated under regulation 139 and
 - (b) the amount of annual pension which would have been payable under the 2006 scheme to the member's surviving spouse, surviving civil partner or other adult dependant had those benefits been payable under that scheme in respect of the member.
 - (4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse, surviving civil partner or other adult dependant would have been entitled under the 2006 scheme.

Annual rate of surviving adult's pension payable under this scheme when a 1988 transition member dies as an active member

- 29.—(1) This paragraph applies in relation to a 1988 transition member with continuity of service—
 - (a) who dies as an active member of this scheme; and
 - (b) who has at least 2 years' qualifying service.
- (2) Benefits for surviving spouses or surviving civil partners are not payable under the existing police pension scheme in respect of the member.
 - (3) The annual rate of surviving adult's earned pension payable under this scheme is the sum of—
 - (a) the amount calculated under regulation 140; and
 - (b) the amount of annual pension which would have been payable under the 1988 scheme to the member's surviving spouse or surviving civil partner had those benefits been payable under that scheme in respect of the member.
 - (4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse or surviving civil partner would have been entitled under the 1988 scheme.

Annual rate of surviving adult's pension payable under this scheme when a 2006 transition member dies as an active member

30.—(1) This paragraph applies in relation to a 2006 transition member with continuity of service—

- (a) who dies as an active member of this scheme; and
- (b) who has at least 2 years' qualifying service.

(2) Benefits for surviving spouses, surviving civil partners or other adult dependants are not payable under the 2006 scheme in respect of the member.

(3) The annual rate of surviving adult's earned pension payable under this scheme is the sum of—

- (a) the amount calculated under regulation 140; and
- (b) the amount of annual pension which would have been payable under the 2006 scheme to the member's surviving spouse, surviving civil partner or other adult dependant had those benefits been payable under that scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the member's surviving spouse, surviving civil partner or other adult dependant would have been entitled under the 2006 scheme.

Payment of eligible child's pension in respect of any transition member

31.—(1) This paragraph applies in relation to a transition member with continuity of service—

- (a) who dies as an active member of this scheme and has at least 2 years qualifying service;
- (b) who dies as a deferred member of this scheme;
- (c) who dies as a pensioner member of this scheme.

(2) Benefits for eligible children are not payable under the existing police pension scheme in respect of the member.

(3) The annual rate of child's earned pension payable under this scheme is the sum of—

- (a) the annual rate of child's earned pension calculated under regulation 145 (annual rate of eligible child's pension); and
- (b) the amount of annual pension which would have been payable under the existing police pension scheme to any eligible children of the member had those benefits been payable under the existing police pension scheme in respect of the member.

(4) The amount of pension payable under paragraph (3)(b) is subject to the same conditions, and ceases to be payable in the same circumstances, as is the pension to which the eligible child would have been entitled under the existing police pension scheme.

Lump sum death grant payable on death of active member

32.—(1) This paragraph applies in relation to a transition member with continuity of service who dies as an active member of this scheme.

(2) On the death of the member—

- (a) a lump sum death grant is payable in respect of the member under regulation 154; but
- (b) a death in service lump sum death grant is not payable under the existing police pension scheme.

Death gratuities – dependents

33.—(1) This paragraph applies in relation to a transition member with continuity of service who dies as a deferred member or pensioner member of this scheme if—

- (a) the death results from an injury received in the execution of duty; or
- (b) the member dies within 2 years of becoming entitled to the member’s retirement pension.

(2) The scheme manager may in its discretion grant a gratuity under both this scheme and the 2006 scheme if the conditions for payment are met under both—

- (a) regulation 164 (death gratuities – dependants); and
- (b) regulation 41 of the 2009 Regulations (death gratuities – dependants).

(3) The scheme manager may grant a gratuity under both this scheme and the 1988 scheme if the conditions for payment are met under both—

- (a) regulation 164; and
- (b) regulation E2 of the 1988 Regulations.

Death gratuity– estate

34.—(1) This paragraph applies in relation to a transition member with continuity of service who dies as a deferred member or pensioner member or active member of this scheme.

(2) The scheme manager may in its discretion grant a gratuity under both this scheme and the 2006 scheme if the conditions for payment are met under both—

- (a) regulation 165 (death gratuity – estate); and
- (b) regulation 42 of the 2009 Regulations(death gratuity – estate).

(3) The scheme manager may grant a gratuity under both this scheme and the 1988 scheme if the conditions for payment are met under both —

- (a) regulation 165 (death gratuity – estate); and
- (b) regulation E3 of the 1988 Regulations.