

SCHEDULE 1

ARRANGEMENT OF RULES

PART E

DEATH BENEFITS

Pensions for Eligible Children

E.9 Meaning of “eligible child”

- (1) In these Rules “eligible child”, in relation to a deceased member, means—
 - (a) a child of the member who meets any of conditions A to C, or
 - (b) any other child or young person who—
 - (i) meets any of those conditions, and
 - (ii) was financially dependent on the member at the date of death.
- (2) Condition A is that the person is aged under 18.
- (3) Condition B is that the person is in full-time education or vocational training and is aged under 23.
- (4) Condition C is that the person is unable to engage in gainful employment because of physical or mental disability from which the person began to suffer before the age of 23.
- (5) A person who is aged under 19 on the date when he ceases to be in full-time education is treated as being in such education until the first of the following dates after he so ceases—
 - (a) the second Monday in January,
 - (b) the second Monday after Easter Monday,
 - (c) the second Monday in September,
 - (d) his 19th birthday,
 - (e) the date on which he becomes engaged full-time in gainful employment.
- (6) A person who at the date of a member’s death is aged under 23 and taking a break from full-time education or vocational training not exceeding 15 months is assumed to be continuing in such education or training during the break for the purpose of determining—
 - (a) whether the person is an eligible child at that date, and
 - (b) how many pensions are payable under rule E.8(1) immediately after that date.
- (7) A person who is prevented from continuing in full-time education or vocational training on account of ill-health is treated for the purposes of condition B and paragraph (5) as continuing to be in such education or training until he is no longer so prevented.
- (8) Paragraph (7) does not apply at any time when the person’s health is such that it is reasonable to assume that he will not be capable of undertaking any further education or training.
- (9) Nothing in paragraph (6) or (7) requires a pension to be paid in respect of a person during the break in his education or training.