

SCHEDULE 1

THE NEW FIREFIGHTERS' PENSION SCHEME (ENGLAND)

PART 4

SURVIVORS' PENSIONS

CHAPTER 2

CHILDREN'S PENSIONS

Child's pension: limitations and duration

7.—(1) Subject to paragraphs (2) and (3), a child is not eligible if—

- (a) he is 18 or older;
- (b) he has ceased full-time education and is in paid employment; or
- (c) he is married or has entered into a civil partnership.

(2) A child aged 18 but not more than 23 is eligible if he is in full-time education or attending a course of at least one year's duration.

(3) A child aged 18 or more is eligible if, when the firefighter member dies, he is dependent on him by reason of permanent disablement.

(4) A child is not eligible if he is convicted of the murder of the firefighter member, but this is subject to paragraph (6).

(5) Subject to paragraph (7), where the child is convicted of the manslaughter of the deceased, the authority may, as they think fit, withhold the child's pension—

- (a) in whole or in part, and
- (b) permanently or temporarily.

(6) Where a conviction of the description mentioned in paragraph (4) is quashed on appeal—

- (a) a child's pension shall be payable from the day after that on which the deceased died, and
- (b) the authority shall, as soon as reasonably practicable after the conviction is quashed, pay the arrears of pension accrued.

(7) Where—

- (a) a conviction of the description mentioned in paragraph (5) is quashed on appeal, and
- (b) the authority have withheld any part of the child's pension,

the authority's decision under paragraph (5) shall be treated as revoked and they shall, as soon as reasonably practicable after the conviction is quashed, pay the arrears of pension accrued from the day after that on which the deceased died.

(8) Nothing in paragraph (6) or (7) shall affect the application of paragraph (4) or (5) if the child whose conviction is quashed is subsequently convicted of the murder or manslaughter of the deceased.

(9) A child's pension ceases to be payable—

- (a) unless paragraph (2) or (3) applies, on his 18th birthday or on the occurrence of the event referred to in paragraph (1)(b) or (c), whichever first occurs;
- (b) where paragraph (2) applies, on his 23rd birthday or the day on which his full-time education or course ceases, whichever first occurs;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) where paragraph (3) applies, when the authority are satisfied—
 - (i) that the child is no longer permanently disabled; or
 - (ii) that the child's pension should not have been awarded.
- (10) Unless paragraph (9)(c) applies, a pension for which a child is eligible as mentioned in paragraph (3) is payable for life.