

Schedule

Regulations 4(3), 6(2), 8(2) and 12(2)

Eligible decision-makers for deceased members

Interpretation

1.—(1) In [this Schedule](#)—

“beneficiary” means a person who has become entitled to receive any death benefit;

“child”, except in the term “eligible child”, means a person under the age of 18;

“death benefit” means a benefit payable under a firefighters’ pension scheme in relation to a member of that scheme who has died;

“election” means an opted-out service election, an immediate choice decision or a deferred choice decision;

“eligible decision-maker” means the person who may make—

- (a) an opted-out service election in accordance with [regulation 6\(2\)\(b\)](#);
- (b) an immediate choice decision in accordance with [regulation 8\(2\)\(b\)](#);
- (c) a deferred choice decision in accordance with [regulation 12\(2\)\(b\)](#);

“surviving partner” has the meaning given in regulation 76 of the 2014 Regulations.

(2) In [this Schedule](#), a reference to—

(a) a beneficiary is a reference to—

- (i) a person who is a beneficiary of death benefits in relation to M’s remediable service as a firefighter, or
- (ii) where the benefits in relation to M’s remediable service as a firefighter are legacy scheme benefits, a person who would be a beneficiary of death benefits in relation to M’s remediable service as a firefighter if the benefits in relation to that service were reformed scheme benefits;

(b) an eligible child is a reference to an eligible child of M;

(c) M is a reference to the remedy member in respect of whose [^{F1}remediable service as a firefighter] an election may be made;

(d) a surviving partner is a reference to a surviving partner in relation to M.

Textual Amendments

F1 Words in [Sch. para. 1\(2\)\(c\)](#) substituted (9.2.2024) by [The Police and Firefighters’ Pensions \(Remediable Service\) \(Amendment\) Regulations 2024 \(S.I. 2024/59\)](#), regs. 1(2), **3(12)**

Commencement Information

I1 [Sch. para. 1](#) in force at 1.10.2023, see [reg. 1\(b\)](#)

Sole beneficiary: an adult

2. Where a person is—

- (a) the sole beneficiary, and
- (b) an adult,

the eligible decision-maker is that person.

Changes to legislation: There are currently no known outstanding effects for the The Firefighters' Pensions (Remediable Service) Regulations 2023, Schedule. (See end of Document for details)

Commencement Information

I2 Sch. para. 2 in force at 1.10.2023, see **reg. 1(b)**

Sole beneficiary: a child

3. Where a person (“C”) is—
- (a) the sole beneficiary, and
 - (b) a child,

the eligible decision-maker is C’s parent or guardian.

Commencement Information

I3 Sch. para. 3 in force at 1.10.2023, see **reg. 1(b)**

Sole beneficiary: a body

4. Where a body (whether corporate or unincorporate) is the sole beneficiary, the eligible decision-maker is—

- (a) M’s personal representative, or
- (b) where M has no personal representative, the scheme manager.

Commencement Information

I4 Sch. para. 4 in force at 1.10.2023, see **reg. 1(b)**

Sole beneficiary: M’s estate

5. Where M’s estate is the sole beneficiary, the eligible decision-maker is M’s personal representative.

Commencement Information

I5 Sch. para. 5 in force at 1.10.2023, see **reg. 1(b)**

Multiple beneficiaries: including a surviving partner

6. Where—
- (a) two or more adults are the only beneficiaries, and
 - (b) one of those adults is a surviving partner (“A”),

the eligible decision-maker is A.

Commencement Information

I6 Sch. para. 6 in force at 1.10.2023, see **reg. 1(b)**

Multiple beneficiaries: including adult eligible children

7.—(1) Where—

- (a) two or more adults are the only beneficiaries,
- (b) none of those adults is a surviving partner, and
- (c) two or more of those adults are eligible children,

the eligible decision-maker is determined in accordance with [sub-paragraph \(2\)](#).

(2) The eligible decision-maker is—

- (a) the person agreed upon by the adult eligible children, or
- (b) where no decision about whether to make an election has been received by the scheme manager by the day four weeks before an election must, in accordance with these Regulations, be received by the scheme manager, the scheme manager.

Commencement Information

17 [Sch. para. 7](#) in force at 1.10.2023, see [reg. 1\(b\)](#)

Multiple beneficiaries: nominated individuals only

8.—(1) Where—

- (a) two or more adults (the “nominated adults”) are beneficiaries of a lump sum death benefit, and
- (b) none of the following are beneficiaries—
 - (i) a surviving partner, or
 - (ii) an eligible child (whether or not an adult),

the eligible decision-maker is determined in accordance with [sub-paragraph \(2\)](#).

(2) The eligible decision-maker is—

- (a) M's personal representative;
- (b) where M has no personal representative, the person agreed upon by the nominated adults;
- (c) where—
 - (i) M has no personal representative, and
 - (ii) no decision about whether to make an election has been received by the scheme manager by the day four weeks before an election must, in accordance with these Regulations, be received by the scheme manager,

the scheme manager.

Commencement Information

18 [Sch. para. 8](#) in force at 1.10.2023, see [reg. 1\(b\)](#)

Multiple beneficiaries: non-adult eligible children

9. Where the only beneficiaries are children, two or more of which are eligible children, the eligible decision-maker is—

- (a) where one person has parental responsibility for all the eligible children, that person;

- (b) otherwise—
 - (i) M's personal representative, or
 - (ii) where M has no personal representative, the scheme manager.

Commencement Information

I9 Sch. para. 9 in force at 1.10.2023, see [reg. 1\(b\)](#)

Multiple beneficiaries: nominated children only

10. Where the only beneficiaries of lump sum death benefits are two or more children who are not eligible children, the eligible decision-maker is—

- (a) where one person has parental responsibility for all the children that person;
- (b) otherwise—
 - (i) M's personal representative, or
 - (ii) where M has no personal representative, the scheme manager.

Commencement Information

I10 Sch. para. 10 in force at 1.10.2023, see [reg. 1\(b\)](#)

Multiple beneficiaries: one or more adults and one or more children

11.—(1) Where the beneficiaries include one or more adults and one or more children—

- (a) M's personal representative is the eligible decision-maker;
- (b) where M has no personal representative, and—
 - (i) one of the beneficiaries is a surviving partner, that surviving partner is the eligible decision-maker;
 - (ii) none of the beneficiaries is a surviving partner and—
 - (aa) one or more of the beneficiaries is an eligible child, or
 - (bb) none of the beneficiaries is an eligible child,the eligible decision-maker is determined in accordance with [sub-paragraph \(2\)](#).

(2) Where [sub-paragraph \(1\)\(b\)\(ii\)](#) applies, and—

- (a) all relevant children are under 18 and—
 - (i) have the same guardian, the eligible-decision maker is that guardian;
 - (ii) do not have the same guardian, the eligible decision-maker is the scheme manager;
- (b) all relevant children are 18 or over, the eligible decision-maker is—
 - (i) the person agreed upon by those relevant children, or
 - (ii) where no decision about whether to make an election has been received by to the scheme manager by the day four weeks before an election must in accordance with these Regulations, be received by the scheme manager, the scheme manager;
- (c) one or more relevant children are under 18 and one or more of the relevant children are 18 or over, the eligible decision-maker is the person agreed upon by—
 - (i) the relevant children who are 18 or over, and

Changes to legislation: There are currently no known outstanding effects for the *The Firefighters' Pensions (Remediable Service) Regulations 2023, Schedule*. (See end of Document for details)

- (ii) the guardian (or guardians) of the relevant children who are under 18.
- (3) In [sub-paragraph \(2\)](#), a relevant child is—
 - (a) where [sub-paragraph \(1\)\(b\)\(ii\)\(aa\)](#) applies, an eligible child;
 - (b) where [sub-paragraph \(1\)\(b\)\(ii\)\(bb\)](#) applies, a person who meets one of the conditions in regulation 85(3) to (5) of the 2014 Regulations.

Commencement Information

I11 [Sch. para. 11](#) in force at 1.10.2023, see [reg. 1\(b\)](#)

Other cases

12. In any case not covered by [paragraphs 2 to 11](#), the eligible decision-maker is the scheme manager.

Commencement Information

I12 [Sch. para. 12](#) in force at 1.10.2023, see [reg. 1\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Firefighters' Pensions (Remediable Service) Regulations 2023, Schedule.