

THE UNREGISTERED DEATH BENEFITS SCHEME (NORTHERN IRELAND)

Part A

Interpretation

A.1 Interpretation: general

In these rules, unless the context otherwise requires, the following expressions shall have the following meanings-

“PCSPS(NI)” means the Principal Civil Service Pension Scheme (Northern Ireland);

“NIPPADBS” means the Northern Ireland Partnership Pension Account Death Benefits Scheme;

“the 2002 Section” means Section I of the PCSPS(NI);

“active member” has the meaning given in section 121(1) of the Pensions (Northern Ireland) Order 1995;

“assumed pay” shall have the same meaning as in rule A.3 of the 2002 Section;

“eligible employment” means-

- (a) employment in the civil service; or
- (b) employment that is listed for the time being in Schedule 1 to the Superannuation (Northern Ireland) Order 1972;

“employment” includes an office or appointment, and related expressions are to be read accordingly;

“final pensionable earnings” has the meaning given in rule A.2 of this Scheme;

“last day of his eligible service” means the last day of the latest period of service falling within a person’s current period of eligible employment;

“member” means a person to whom this Scheme applies (see rule B.1);

“the Department” means the Department of Finance and Personnel;

“pensionable earnings” shall have the same meaning as in rule A.2 of the 2002 Section;

“permanent pensionable earnings” shall have the same meaning as in rule A.2 of the 2002 Section;

“Scheme” means the Unregistered Death Benefits Scheme (Northern Ireland);

“Scheme administrator”, in relation to a member, means the person responsible for the day to day administration of the Scheme in relation to that member;

“scheme year” means a period of one year beginning 1 April and ending 31 March.

A.2 Meaning of “final pensionable earnings”

- (1) In this Scheme, “final pensionable earnings” means the greater of:
 - (a) the person’s permanent pensionable earnings in the 12 months ending on the last day of his eligible service;
 - (b) the person’s permanent pensionable earnings in one of the last two complete scheme years ending on or before the last day on which he was in eligible employment.
- (2) The final pensionable earnings of a member who is employed part-time during any period are calculated by reference to the member’s actual rate of pensionable earnings during that period.
- (3) If at any time during any period that is relevant for paragraph (1) a member is treated as receiving assumed pay, for the purposes of that paragraph his permanent pensionable earnings for that period include that assumed pay.
- (4) If a member was not in eligible employment for the whole of the period of 12 months mentioned in paragraph (1)(a), that paragraph applies as if it referred to the member’s annualised permanent pensionable earnings in the latest period of eligible employment ending with the last day of his eligible service. This paragraph does not modify paragraph (1) if that paragraph is modified by paragraph (5).
- (5) If a member returns from unpaid leave of six months or more during the period of 12 months ending on the last day of his eligible service (“the 12 months period”), paragraph (1) applies as if-
 - (a) paragraph (1)(a) referred to the member’s annualised permanent pensionable earnings in respect of the time during the 12 months period that he was in eligible employment not on unpaid leave, with that time being the relevant period for the purposes of calculating the annualised amount under paragraph (6); and

(b) the amount calculated under paragraph (1)(b) were always less than the amount calculated under paragraph (1)(a) as modified by this paragraph.

(6) The member's annualised permanent pensionable earnings for a period are $PPE \times 365/N$, where –

PPE is the person's permanent pensionable earnings for the period,
and

N the number of days in the period.

(7) But if that period includes the date 29 February, paragraph (6) has effect with the substitution for "365" of "366".

(8) Subject to paragraph (9), for the purposes of paragraph (1), only pensionable earnings in the latest period of eligible employment may be taken into account.

(9) Where the latest period of eligible employment is separated from an earlier period of eligible employment to which paragraph (10) applies, pensionable earnings in the earlier period of eligible employment may be taken into account.

(10) This paragraph applies where a member ceases to be employed in eligible employment and after a period not exceeding 6 months becomes employed again in eligible employment.

Part B

Application

B.1 Persons to whom this Scheme applies

- (1) This Scheme applies to any person in eligible employment to whom the Department has determined it shall apply. This is subject to paragraph (2).
- (2) This Scheme does not apply to any person to whom the NIPPADBS applies or who is an active member of the PCSPS(NI).

Part C

C.1 Lump sum death benefits

- (1) If a member dies, the Department may pay a lump sum of such amount, subject to paragraph (4), as he determines to-
 - (a) the person or persons nominated by the member in accordance with rule C.2, and/or
 - (b) the member's personal representatives.
- (2) If the Department decides to pay all or part of the lump sum to persons nominated in accordance with rule C.2 and more than one individual has been so nominated, the payment is to be made to them in such proportions as the Department considers appropriate.
- (3) If the Department decides to pay the lump sum to the person or persons nominated in accordance with rule C.2 and to the personal representatives, the payment is to be made to the relevant parties in such proportions as the Department considers appropriate.
- (4) The total lump sum or sums payable under this rule in respect of a member must not exceed an amount equal to the member's final pensionable earnings multiplied by two.

C.2 Nominations for lump sum death benefits

- (1) For the purposes of rule C.1 (lump sum death benefits), the member may nominate-
 - (a) one or more individuals, or
 - (b) one incorporated or unincorporated body.
- (2) If the member nominates two or more individuals, he may indicate in the nomination how he wishes the payments to be apportioned between them.
- (3) The member must make his nomination by notice in writing to the Scheme administrator in such form as the Department may prescribe or is willing to accept.
- (4) The member may revoke or alter a nomination by a further notice in writing to the Scheme administrator in such form as the Department may prescribe or is willing to accept.
- (5) The nomination of a person is invalid if the person nominated is an individual who-

- (a) was married to, or was the civil partner of, the member at the date the nomination was made and is not married to, or is not the civil partner of, the member immediately before the member's death, or
 - (b) predeceases the member.

- (6) If a person nominated is convicted of the offence of murder or manslaughter of the member, the person's nomination is to be treated as invalid from the member's death.

- (7) If the person nominated is convicted of any offence, other than those mentioned in paragraph (6), of which the unlawful killing of the member is an element, the person's nomination may, at the Department's discretion, be treated as invalid from the member's death.