

PART C

AWARDS ON DEATH - SPOUSES

Part C is concerned with widow(er)s' entitlement and sets out the qualifying conditions for the main awards - spouse's ordinary pension (C1), spouse's special or augmented awards (C2,3), spouse's accrued pension (C4). Certain limitations apply according to marital circumstances (C5, 8, 9). Where one of the awards does not apply an alternative award may be payable (C6, 7). Calculation of the awards is mainly covered in the relevant part of Schedule 3, but Schedule 11 (Part 1) may apply in certain cases involving pre-April 1972 service. Additional provisions in respect of widow(er)'s awards are in part E.

GENERAL

Regular
firefighters

Your spouse will be eligible for any of the awards for which Part C provides, unless disqualified from receiving a particular benefit by virtue of rules C5, C8 or C9.

Members of
brigades other
than regular
firefighters

As you are not a regular firefighter you pay no pension contributions to the Firefighters' Scheme. The possibility of benefits for your spouse would only arise in the event of your death as a result of a qualifying injury (see J3 and J4).

Service before
1 April 1972

If you have fire service, or transferred-in service, before 1 April 1972, your widow may not qualify for a full ordinary or accrued pension at the rate of half of yours. This depends whether you elected to uprate your earlier service for widow's benefit and (in the case of an accrued pension) how far you got towards doing so. (This does not affect special or augmented awards, requisite benefit or temporary pensions.)

Pensions Increase

All spouses' pensions are increased in line with the retail price index, including the temporary or increased pension paid for the first 13 weeks (see "POINTS TO NOTE 5", E8-2).

Forfeiture

Forfeiture of a firefighter's pension is very rare, owing to the high standard expected and maintained in the service and the serious nature of the offences which can give rise to forfeiture.

Forfeiture of a surviving spouse's pension is even less likely, but a widow's pension, when calculated by reference to her husband's, may be reduced or lost if his is forfeited. In this case, it may not be reduced below her GMP, if she has one. This position applies equally to widowers.

No double benefit

Rule L4 prevents a widow(er) from receiving more than one pension in respect of a spouse's death unless he or she has more than one period of service counting for dependant's benefit.

Divorce

* A divorced former spouse does not become your widow(er) if you die. (But see also "Living Apart", C8-1).

SPOUSE'S
ORDINARY PENSION

Who is eligible?

If you are a regular firefighter with at least 3 years' service, and you die:

- a. while entitled to an ordinary, short service or ill-health pension,
 - b. while entitled to an injury pension awarded on your retirement (but to no other pension under the FPS),
 - c. as a result of the ill-health which caused your retirement with an ill-health gratuity (without any intervening service as a regular firefighter), or
 - d. in service,
- your widow(er) will be entitled to:
* a spouse's ordinary pension, unless he or she is disqualified (see CGen-1).

POINTS TO NOTE

1. a or d will cover most cases.
2. b is very unlikely to happen - if you were entitled to an injury pension immediately on your retirement you must also have qualified for an ill-health pension. Your spouse would therefore qualify under a, unless your ill-health pension had been forfeited, leaving only your injury pension in payment.
3. c is intended for your spouse if you retired before 6 April 1988 with an ill-health gratuity (having been disabled when you had served for at least 3, but less than 5 years' service, but not from a qualifying injury) and then, without serving again, die of the same cause. However, if you had meanwhile repaid your gratuity so that a transfer value could be paid to a new employer, there would be no later entitlement to a spouse's pension. (This provision was introduced with effect from 1 March 1992 to correct an anomaly).
4. If you should die as a result of a qualifying injury (see A9), your widow(er) will normally receive the higher award of a spouse's special or augmented pension, instead of a spouse's ordinary pension (see C2 and C3).
5. Your widow(er) will be entitled to an ordinary pension if you were:
 - entitled to an injury pension which was not in payment only because of the size of your DSS benefits (see B4-3 to 5).

SPOUSE'S ORDINARY PENSION

How much is the pension?

The sums are set out in [Examples 1-8]. The basis of the calculations is explained here.

FIRST 13 WEEKS
(see E8-1)

AFTER FIRST 13 WEEKS

The spouse's ordinary pension (unless he or she elects for a reduced pension and gratuity) is the greater of:

- a. half (1/2) your pension or notional pension,
- b. a widow's requisite benefit pension (see C6-1 and "POINTS TO NOTE 2", C1-3), or
- c. a flat-rate pension (see E9-1).

* Your "pension or notional pension" for this purpose means (according to the circumstances of death set out at a to d, C1-1):

- a. ordinary, short service or ill-health pension, payable had it not been forfeited,
- b. the ill-health pension,
- c. the ill-health pension which would have been payable had you qualified for such an award on retirement,
- d. the ill-health pension which would have been payable had you qualified for such a pension on the day you died.

* Whatever the circumstances, the pension or notional pension is calculated ignoring any reduction:

- for commutation,
- for allocation,
- for uprating for widow's benefit, or
- for National Insurance modification due at state pensionable age.

Reductions

* A spouse's ordinary pension calculated as above will be reduced:

- if her husband has service before 1 April 1972, which he did not elect to uprate for a widow's half-rate pension (Schedule 11, Part I).

You should note, however, that if you elected to uprate your service before 1 April 1972 for a widow's half-rate pension:

* your widow will be entitled to a full half-rate widow's ordinary pension, even if you die:

- before completing your contributions, or
- before you start receiving a pension which was due to be reduced to pay for this widow's benefit.

Election for reduced pension and gratuity, where the deceased died while serving as a regular firefighter only.

Your widow(er) may:

- up to 3 months after your death, or
- up to such longer time as your fire authority may allow,

elect for a reduced pension and gratuity. If so:

* the pension will be 3/4 of what it would have been had it been based on your pension after commutation, allocation, uprating for widow's pension, and reductions due at state pensionable age. (For the first 13 weeks it will be increased under E8), and

* the gratuity will equal:

- a. 6 times the annual amount of his or her reduced pension, or

SPOUSE'S ORDINARY PENSION

Pensions increase (PI)

- * A spouse's ordinary pension will be increased:
 - by PI (see ANNEX 1-7).

POINTS TO NOTE

1. The pension or notional pension used for the purpose of calculating widow(er)'s pension excludes PI. The surviving spouse's own PI makes up for this. (See ANNEX 1-7).
2. It is unlikely that a widow's requisite benefit pension would ever be paid as an alternative widow's ordinary pension, because it grows at the rate of 1/160th of average pensionable pay instead of 1/120th. The provision was introduced in 1978 to comply with the then contracting-out requirements of the social security legislation.
3. ~~It is unlikely that a spouse's flat-rate pension would be paid as an alternative to a spouse's ordinary pension unless your service was very short or your pension had been partially forfeited under K5.~~

When is the pension paid?

See L3-1.

WIDOW WHOSE HUSBAND
HAD "PRE-1972
PENSIONABLE SERVICE"
COUNTING AT THE
FLAT OR 1/3 RATE

- * A widow's ordinary pension is normally equal to $\frac{1}{2}$ her husband's pension or notional pension (see Schedule 3, Part I).

Who is eligible?

Schedule 11, Part I describes circumstances in which it may be less. This could only be if you had "pre-72 pensionable service" (see the Table below), which you did not elect to uprate to the half-rate. These provisions can apply to you only if, on 1 July 1973, you were:

- serving as a regular fireman, or
 - entitled to a pension other than a deferred pension.
- * If you elected to uprate your "pre-72 pensionable service" to the half-rate, your widow will be entitled to a half-rate widow's ordinary pension whether or not you completed your contract to pay for it (see C1-2).
 - * Schedule 11, Part I could also apply to a widow whose husband died on or after 1 April 1972 but before 1 October 1973, without having made an election, if she did not elect to uprate her husband's "pre-1972 pensionable service". (In such a case the widow's pension entitlement will already have been established, on similar lines to those set out below.)
 - * Where your widow's pension is less than $\frac{1}{2}$ your pension or notional pension:
 - how much less will depend on whether your "pre-1972 pensionable service" counts at:
 - * the flat-rate (see C1-5).
 - * the 1/3 rate (see C1-6).

TABLE

<u>"Pre-1972 pensionable service"</u> means any pensionable service which does not automatically count at the half-rate for widow's and children's awards.	
It <u>is</u> any pensionable service which is <u>NOT</u> service:	This service counts at the half-rate because:
a. as a regular firefighter on or after 1 April 1972,	- you must have paid pension contributions at a rate related to 6.75%, 8.75%, 10.75% or 11% of your pensionable pay.
b. which counts under F7 (current interchange),	- your transfer value will have been converted into service "fully paid up" for widow's and children's half-rate awards.
c. which counted on 1 July 1973, was not fire service on or after 1 April 1972, and amounted to less than 1 year,	- if you had less than one year's service before 1 April 1972 and it counted as pensionable on 1 July 1973, it would count as half-rate service without paying for uprating.
d. which counts under F4, (or FPSO 1973 Articles 51 or 52), the conditions being satisfied on or after 1 July 1973.	- if you brought in such service after 1 July 1973, a reduction will be due under Schedule 2, Part VII, to uprate it for half-rate widow's and children's awards.

**SPOUSE'S ORDINARY PENSION:
SPECIAL PROVISIONS**

"Pre-1972 pensionable service" counting at the flat-rate

- * "Pre-1972 pensionable service" will count at the flat-rate, if:
 - you paid pension contributions before 1 April 1972 at a rate related to 5% of your pensionable pay, and
 - you did not elect to uprate your service.

* This could happen only if you were serving on 26 August 1966 and had the chance to remain on the 5% rate.

(Firefighters joining on or after 26 August 1966 had to pay contributions related to 6% of pensionable pay).

How much pension is payable?

**WIDOW'S ORDINARY PENSION
WHERE "PRE-1972 PENSIONABLE SERVICE" COUNTS AT THE FLAT-RATE**

* Widow's pension is the greater of:

(a) $\frac{1}{2} \times \frac{(A-B)}{60} \times APP$

(b) a requisite benefit pension (see C8-1), or

(c) a flat-rate pension (see E9-1).

"A" = pensionable service up to 30 years, counting such service over 20 years twice.

"B" = "pre-72 pensionable service" (reduced by the amount, if any, by which total pensionable service exceeds 30 years), counting such service over 20 years twice.

(Each day counts as 1/365th of a year, even in a leap year).

Note: * Formula (a) gives a widow's pension based on half-rate service only, taking appropriate account of double reckoning after 20 years (see C1-Example 7).

POINTS TO NOTE

1. All the other conditions relating to entitlement to widows' pensions, and when they are payable, apply to a widow's ordinary pension payable under these provisions.
2. The device of taking all pensionable service (with doubling) and deducting "pre-1972 pensionable service" (with doubling) means that:
 - a. if when your half-rate service began you had already completed 20 years' service:
 - all your half-rate service is doubled, and
 - b. if your half-rate service began before you had completed 20 years' service:
 - the part of your half-rate service after you had completed 20 years' service is doubled.
3. It would be unusual for a requisite benefit pension, or a flat-rate pension to be greater (see "POINTS TO NOTE 2 and 3", C1-3).

SPOUSE'S ORDINARY PENSION:
SPECIAL PROVISIONS

"Pre-1972 pensionable service" counting at the 1/3 rate

* "Pre-1972 pensionable service" will count at the 1/3 rate, if:

- you paid pension contributions before 1 April 1972 at a rate related to 6% of your pensionable pay, and did not elect to uprate the service to the half-rate, or
- you paid pension contributions before 1 April 1972 at a rate related to 5% of your pensionable pay, and elected in 1973 to uprate the service to the 1/3 rate, but not to the half-rate.

* Your widow's pension will be calculated:

- as in Table A below, if you should die while in receipt of an ordinary or short service pension, or
- as in Table B, on the next page, if you should die:
 - a. in service,
 - b. in receipt of an ill-health pension, or
 - c. from the ill-health which caused your retirement.

How much pension is payable?

TABLE A

WIDOW'S ORDINARY PENSION
WHERE "PRE-1972 PENSIONABLE SERVICE" COUNTS AT ONE-THIRD RATE

Husband died while in receipt of an ordinary or short service pension (otherwise Table B applies - see next page)

* Widow's pension is the greater of:

- (a) $1/3$ of your pension, plus $1/6 \times \frac{(A-B) \times APP}{60}$
- (b) a requisite benefit pension (see C6-1), or
- (c) a flat-rate pension (see E9-1).

"A" = pensionable service up to 30 years, counting such service over 20 years twice.

"B" = "pre-1972 pensionable service" (reduced by the amount, if any, by which total pensionable service exceeds 30 years, counting such service over 20 years twice.

(Each day counts as 1/365th of a year, even in a leap year).

Note: * Formula (a) gives a widow's pension based on 1/3 of your 1/3 rate service and 1/2 of your half-rate service, taking appropriate account of double reckoning after 20 years (see C1 - Example 6).

POINTS TO NOTE

See "POINTS TO NOTE 1-3", C1-5).

SPOUSE'S ORDINARY PENSION:
SPECIAL PROVISIONS

TABLE B

WIDOW'S ORDINARY PENSION
WHERE "PRE-1972 PENSIONABLE SERVICE" COUNTS AT ONE-THIRD RATE

Husband died:

- in service,
- in receipt of an ill-health pension, or
- from the ill-health which caused his retirement
(otherwise Table A applies - see previous page)

* Widow's pension is the greater of:

- (a) $\frac{1}{3}$ of husband's pension or notional pension,
plus $\frac{1}{6} \times \frac{(A-B) \times APP}{60}$
- (b) $\frac{1}{2}$ of husband's ill-health pension or notional
ill-health pension, calculated on the basis of
pensionable service which is:
 - (i) relevant pensionable service (RPS) plus
 $\frac{1}{2}$ "pre-72 pensionable service", or
 - (ii) weighted relevant pensionable service
(WRPS), if WRPS is less than 20 years.
- (c) a requisite benefit pension (see C8-1), or
- (d) a flat-rate pension (see E9-1).

"A" and "B" = as for Table A (see previous page)

"RPS" = half-rate pensionable service

"WRPS" = $(RPS - RNY) \times 2 + RNY$, or (if RPS is less than RNY) WRPS = RPS

"RNY" (relevant number of years) = 20 - "pre-1972 pensionable service"

- Notes: *
- Formula (a) gives a widow's pension based on $\frac{1}{3}$ of her husband's $\frac{1}{3}$ rate service (including ill-health enhancement) and $\frac{1}{2}$ of his half-rate service (with no ill-health enhancement). (A pro-rata split of ill-health enhancement between $\frac{1}{3}$ rate and half-rate service would have created anomalies).
 - Formula (b) gives an alternative widow's pension based on half-rate service only, with appropriate doubling and ill-health enhancement (see C1 - Examples 4 and 5).

SPOUSE'S ORDINARY PENSION:
SPECIAL PROVISIONS

POINTS TO NOTE

(see also "POINTS TO NOTE 1-3", C1-5)

1. Table B, C1-7 is necessarily more complicated than Table A on the previous page, because the husband's ill-health or notional ill-health pension contains "ill-health enhancement" (see B3-2).
 - * The question which arose when these provisions were being drafted was:
 - "should this enhancement count at the 1/3 rate, or the half-rate, for pension, if the husband elected to have his "pre-1972 pensionable service" at the 1/3 rate?"
 - * The rule adopted is that "ill-health enhancement" counts at the 1/3 rate (see formula (a) in Table B), unless a better result would be obtained by awarding:
 - a widow's ordinary pension based on half-rate service only plus ill health enhancement ("pre-1972 pensionable service" being taken into account only to assess the point at which the doubling of half-rate service should begin) (see formula (b) in Table B).
 - * The device of "weighted relevant pensionable service" (WRPS) is introduced by paragraph 5(2) of Part I of Schedule 11 to achieve the effect described as "formula (b)".
 - * "Weighted relevant pensionable service" (WRPS) is half-rate service, weighted by "pre-1972 pensionable service" so that it will count double if (with "pre-1972 pensionable service") it would have exceeded 20 years.
 - * Where WRPS itself exceeds 20 years, account needs to be taken of the fact that ill-health enhancement includes doubling of service over 20 years. In this case the pensionable service used is half-rate service plus 1/2 "pre-1972 pensionable service". The application of ill-health enhancement to this gives an appropriate amount of doubling (see reference to "C1-Example 4" below, which shows how this works in practice.)

In C1-Example 4

Fireman has 23 years' service, of which 4 years is "pre-1972 pensionable service"

RNY = 16 years (20 - 4)

RPS = 19 years (doubling starts after 16 of these years)

WRPS = 22 years (more than 20 years)

Formula (b) (i) in Table B gives a widow's pension based on:

$$\text{RPS} + \frac{1}{2} \text{ "pre-1972 pensionable service"}$$
$$= 19 + 2 = 21 \text{ years' pensionable service}$$

The husband's notional ill-health pension is therefore:

$$\frac{7}{60} + \frac{20}{60} + \frac{2}{60} = \frac{29}{60} \times \text{APP}$$

The widow's pension is $\frac{1}{2}$ this amount.

(Had WRPS of 22 years been used in the calculation of the notional ill-health pension it would have been:

$$\frac{7}{60} + \frac{20}{60} + \frac{4}{60} = \frac{31}{60} \times \text{APP}$$

This would have been incorrect because the doubling of years in excess of 20 years would have applied twice)

SCHEDULE 3, PART II
C2 - Examples 1 and 2

Who is eligible?

If you are a regular firefighter and you die (whether in service or after leaving) as a result of a qualifying injury (see A9-1), your widow(er) will be entitled to:
* a spouse's special pension, and
* a gratuity,
unless he or she is disqualified (see CGen-1).

POINTS TO NOTE

1. Your spouse may be eligible for an augmented award instead, in certain circumstances (see C3-1).
2. It is not necessary for you to qualify for an injury pension before your death, for your widow(er) to be entitled to a special award.
3. If you retire with an injury pension as a result of a qualifying injury, your widow(er) will be eligible for a special pension only if you die as a result of that injury, but not if you die from some other cause.

How much is the pension?

The sums are set out in Examples 1 and 2. The basis of the calculations is explained here.

FIRST 13 WEEKS
(see E8)

AFTER FIRST 13 WEEKS
The spouse's special pension is 45% of your APP.

Pensions Increase (PI)

- * A spouse's special pension will be increased:
 - by PI (see ANNEX 1-7).

How much is the gratuity?

A spouse's special gratuity is equal to:
- 25% of your APP, plus (if you died while serving as a member of a brigade):
- 2½ times your notional ill-health pension, or (if greater) your APP.

Reduction

- * A spouse's special gratuity will be reduced:
 - by the amount of any injury gratuity to which you were entitled under B4.

Pensions increase (PI)

- * A spouse's special gratuity may be increased:
 - by PI (see "POINTS TO NOTE 2", below).

POINTS TO NOTE

1. The "notional ill-health pension" referred to above is the ill-health pension to which the husband or wife would have been entitled had he or she retired on account of permanent disablement on the date of death.
2. Pensions increase under the PI Acts will be payable on a spouse's special gratuity only if you die in retirement, to cover the period between its "beginning date" (normally the day after your last day of service) and its "payable date" (the date of your death) (see ANNEX 1-5 and 7).

When are the pension and gratuity paid?

See L3-1.

Who is eligible?

If you are a regular firefighter and you die (whether in service or after leaving) as a result of a qualifying injury (see A9-1):
- your spouse will be entitled to an augmented award, if any of the following conditions applies, and he or she is not disqualified (see CGen-1).

A spouse's augmented award consists of:
* a spouse's special pension, and
* a spouse's special gratuity, each paid at an augmented rate.
The conditions in which an augmented award will be payable are if you received your injury in the execution of duties:
* while trying to save, or prevent the loss of, human life, or
* in circumstances in which there was an intrinsic likelihood of you receiving a fatal injury.
A spouse's augmented award will also be payable if your fire authority think that it should be paid because:
* one of the above conditions may apply, or
* it would be inequitable not to pay it.

POINTS TO NOTE

1. A fire authority can grant an augmented award where there is a possibility that one of the specific conditions applies, but it cannot be proved.
2. A fire authority can also grant an augmented award where the circumstances are just as deserving, but not specifically covered by one of the conditions set out.
3. A fire authority need not wait for the outcome of any criminal proceedings relating to the circumstances of a firefighters death, before granting an augmented award. In granting the award there is no need to specify the condition on which it is based.

How much is the pension?

FIRST 13 WEEKS
(see E8-1)

AFTER FIRST 13 WEEKS

The spouse's special pension is augmented from 45% to 50% of your APP.

A spouse's augmented pension will be increased:
- by PI (see ANNEX 1-7).

How much is the gratuity?

A spouse's special gratuity, where the award is augmented, is equal to:

- 2 years' pensionable pay, at the time of your death, of a London firefighter in the basic rank entitled to reckon 30 years' service for pay purposes, or
- the special gratuity in C2(2)(b), if it is bigger.

POINTS TO NOTE

1. The "2 years' pensionable pay" is calculated by taking the annual rate of pensionable pay - see "POINTS TO NOTE 4", G1-2 - of a London firefighter in the basic rank with 30 years' service at the time of your death, and multiplying it by 2.

When are the augmented special pension and gratuity paid? See L3-1.

Who is eligible?

If you retire as a regular firefighter and die while entitled to a deferred pension, whether it is in payment or not (see B5-1), your widow(er) will be entitled to:
* a spouse's accrued pension, unless he or she is disqualified (see CGen1).

POINTS TO NOTE

1. The pension is called an "accrued" pension to distinguish it from other spouse's awards and because it depends on the proportion of full pension rights for your widow(er) which has accrued (ie become reckonable) at the time of your early retirement. (Your own pension is called a "deferred" pension because payment is deferred until after your retirement. A spouse's accrued pension, however, is payable (like all spouse's pensions where there is no disqualification) as soon as you die, and cannot therefore be called a spouse's "deferred" pension.)
2. If you commute the whole of your deferred pension for a lump sum under B8 (which you can do only if your pension amounts to not more than £260 a year), the entitlement to a spouse's accrued pension remains, even though you are no longer entitled to a deferred pension (see "POINTS TO NOTE 6", B8-1).

How much is the pension?

The sums are set out in Examples 1 to 4. The basis of the calculations is explained here.

FIRST 13 WEEKS

- * If your deferred pension is in payment when you die, your widow(er)'s accrued pension will be increased to the rate of your deferred pension for the first 13 weeks.
- * If your deferred pension is not in payment when you die, your widow(er)'s accrued pension will be the same for the first 13 weeks as afterwards. (See "POINTS TO NOTE 1", E8-2).

AFTER FIRST 13 WEEKS

The spouse's accrued pension will be equal to half (1/2) your deferred pension.

- * Your deferred pension for this purpose is your "gross" deferred pension, calculated ignoring:
 - a. the restriction on payment before age 60 or permanent disablement, and
 - b. any reduction:
 - for commutation,
 - for allocation,
 - for uprating for widow's benefit, or
 - for National Insurance modification due at state pensionable age.

Reductions

- * A widow's accrued pension will be reduced:
 - if her husband has service which is not fully uprated for a widow's half-rate pension.This reduction cannot apply to a widower.

Pensions increase (PI)

- * A spouse's accrued pension will be increased:
 - by PI (see ANNEX 1-7).

Flat-rate pension

* A widow(er) may elect to receive a flat-rate pension under E9 instead of an accrued pension calculated as above, for any period in which it would be bigger, with one exception. The option of a flat-rate pension would not be available if you had less than 2 years' (5 years' if you ceased to serve before 6 April 1988) service and qualified for a deferred pension only because your "qualifying service" (see B5-1) was longer than your pensionable service.

POINTS TO NOTE

1. If you have service before 1 April 1972, which is not fully uprated for a widow's half-rate pension, your widow's accrued pension will be calculated under paragraphs 2 and 3 of Part III of Schedule 3 (see C4-2 to 7).

When is the pension paid?

See L3-1.

**WIDOW WHOSE HUSBAND HAD
PENSIONABLE SERVICE NOT FULLY
UPDATED TO THE HALF-RATE**

* A widow's accrued pension is normally equal to 1/2 her husband's deferred pension.

Who is eligible?

- * If all your pensionable service either:
- a. counts at the half-rate automatically, or
 - b. is fully uprated to the half-rate by the time you cease to serve with an entitlement to a deferred pension:
- your widow will be entitled to an accrued pension equal to 1/2 your deferred pension.

Paragraph 1(2) of Part III of Schedule 3 identifies the circumstances in which your widow may be entitled to less than a half-rate accrued pension. This position can apply to you only if you become entitled to a deferred pension and you have pensionable service which is listed in Table B, (C4-5). Paragraph 2 of Part III of Schedule 3 determines how much your widow's accrued pension will be (see "How much pension will be paid?" (C4-3)), according to how much of your service counts at the half-rate, 1/3 rate, or flat-rate when you cease to serve.

**SPOUSE'S ACCRUED PENSION:
SPECIAL PROVISIONS**

- * These provisions could also apply to a widow whose husband had already died while entitled to a deferred pension if he had pensionable service which was not fully uprated to the half-rate. (In such a case the widow's pension entitlement will already have been established, on similar lines to those set out as follows).
- * These provisions could also apply if a widow's notional accrued pension had to be calculated for a transfer value under Schedule 6, Part III, paragraph 3 or Part IV or a cash equivalent transfer value (see "POINTS TO NOTE GENERAL 3", C4-7).

How much pension will be paid?

Where these paragraphs apply, the amount of a widow's accrued pension depends on:

- a. how much service is fully uprated to the half-rate,
- b. how much service is partly uprated to the half-rate,
- c. how much service is fully uprated to the 1/3 rate,
- d. how much service is partly uprated to the 1/3 rate.

How the Tables work

The Tables work by identifying:

- * "HALF-RATE" service, which includes:
 - a. all service fully uprated to the half-rate, and
 - b. a proportion of service which is partly uprated to the half-rate, and
- * "MIXED-RATE" service, which includes:
 - a. half-rate service (as above),
 - b. all service fully uprated to the 1/3 rate, and
 - c. a proportion of service which is partly uprated to the 1/3 rate.

*** TABLE A**

covers service which must all be fully uprated to the half-rate, and which counts in full as:

- half-rate service, and
- mixed rate service.

*** TABLE B**

covers service which may be fully or partly uprated to the half-rate or the 1/3 rate. An appropriate proportion, or in some cases the whole, of such service counts as:

- half-rate service, and/or
- mixed rate service.

**WIDOW'S ACCRUED PENSION WHERE
PENSIONABLE SERVICE IS NOT FULLY
UPRATED TO THE HALF-RATE**

* Widow's pension is the greater of:

- (a) $1/6 \times$ the part of her husband's deferred pension corresponding to his half-rate service, plus
 $1/3 \times$ the part of her husband's deferred pension corresponding to his mixed-rate service
(not exceeding in total, $1/2$ her husband's deferred pension - see "POINTS TO NOTE (GENERAL) 3", C4-7).
- (b) a requisite benefit pension (see C8-1), or
- (c) a flat-rate pension (see E9-1).

**SPOUSE'S ACCRUED PENSION:
SPECIAL PROVISIONS**

POINTS TO NOTE

1. As any part of your pensionable service which counts in full at the half-rate and the 1/3 rate, will feature both as half-rate and mixed-rate service, your widow's accrued pension will include 1/6 plus 1/3 (= 1/2) of the part of your deferred pension which corresponds to that service.
2. As the remainder of your mixed-rate service equals your 1/3 rate service, the accrued pension also includes 1/3 of your deferred pension which corresponds to your service counting at the 1/3 rate only.
3. The device of identifying "half-rate service" and "mixed-rate service" was necessary because, as can be seen from Table B, C4-5, a particular period of pensionable service may be uprated to the half-rate by one method, and to the 1/3 rate by a different method. eg:
 - any part of your service which is fully uprated from the 1/3 rate to the half-rate will attract 1/6 of your deferred pension corresponding to that part of your service.
 - if the same part of your service is only partly uprated from the flat-rate to the 1/3 rate an appropriate proportion of it will attract 1/3 of the corresponding part of your deferred pension.

* In this example the 1/6 and the 1/3 cannot be added together.
4. All the other conditions, relating to widows' pensions generally and widows' accrued pensions in particular, will apply to a widow's accrued pension payable under these provisions.
5. It would be unusual for a requisite benefit pension (b), or a flat-rate pension (c) to be greater than a pension calculated under formula (a) above.

TABLE A

Pensionable service which counts in full as HALF-RATE and MIXED RATE	
It is any pensionable service:	This service is fully uprated to the HALF-RATE because:
(a) as a result of service as a regular firefighter on or after 1 April 1972	You must have paid pension contributions at a rate related to 6.75%, 8.75% 10.75% or 11% of your pensionable pay
(b) which counts under F7 (current interchange)	Your TV will have been converted into service "fully paid up" for widow's and children's half-rate awards
(c) which counted on 1 July 1973, was not service on or after 1 April 1972, as a regular fireman and amounted to less than 1 year	If you had less than 1 year's such service it would count as half-rate service without payment for uprating

**SPOUSE'S ACCRUED PENSION:
SPECIAL PROVISIONS**

TABLE B

Pensionable service which may be fully or partly uprated to the 1/3 rate or the half-rate, and counts in full or in proportion as half-rate service or mixed-rate service	
Type of service:	How it counts towards HALF-RATE or MIXED-RATE service:
(a) for which you paid contributions related to 6% of your APP	MIXED-RATE: in full
(b) which you elected to uprate to the half-rate by payment of a lump sum	HALF-RATE: in full
(c) which you elected to uprate to the 1/3 rate by payment of a lump sum	MIXED-RATE: in full
(d) which you elected to uprate to the half-rate by payment of further contributions	HALF-RATE: in proportion, depending on the "proportion" you have uprated to the half-rate when you cease to serve
(e) which you elected to uprate to the 1/3 rate by payment of additional contributions	MIXED-RATE: in proportion, depending on the "proportion" you have uprated to the 1/3 rate when you cease to serve
(f) which is to be uprated to the half-rate by reduction of pension	HALF-RATE: in proportion, depending on the "proportion" you are deemed to have uprated to the half-rate when you cease to serve
(g) which is to be uprated to the 1/3 rate by reduction of pension	MIXED-RATE: in proportion, depending on the "proportion" you are deemed to have uprated to the 1/3 rate when you cease to serve

POINTS TO NOTE (TABLE B)

1. Service uprated in full:
 - to mixed rate, under (a) or (c) may not have been uprated to the half-rate at all, or may be partly uprated, under (d) or (f), or fully uprated under (b),
 - to the half rate, under (b), may be partly uprated to the mixed rate, under (e) or (g), or fully uprated under (a) or (c).

2.

The proportion for an uprating under (d) is: <ol style="list-style-type: none"> i. <u>period for which contributions were paid</u> ii. <u>period for which contributions should have been paid</u>
--

((ii) equals the period from 1 April 1973 to completion of 25 years' service (ignoring any pensionable service which did not count on 1 July 1973), or, if longer, from 1 April 1973 to 1 April 1978).

(For anyone who retired before 1 October 1978, the period at (ii) began on the date of his election. This was an error which could only be corrected for those still serving on 1 October 1978, the operative date of the Firemen's Pension Scheme (Amendment) Order 1978. The same applied for upratings under (e) (see below)). (See C4 - Examples 3 and 4).

SPOUSE'S ACCRUED PENSION:
SPECIAL PROVISIONS

3.

The proportion for an uprating under (e) is:
i. period which contributions were paid
ii. period for which contributions should have been paid.

An election to uprate service to the 1/3 rate by payment of additional contributions could have been made under the Firemen's Pension Schemes of 1966 or 1973.

If the election was made in 1973, (ii) will be the same as it is for (d) (see "POINTS TO NOTE 2" C4-5).

If the election was made under the 1966 Scheme, (ii) will be the period from 26 August 1966 until completion of 25 years' service (or, if longer, a period of 5 years).

(For anyone who retired before 1 October 1978, the period at (ii) began on the date of his election (whether in 1973 or 1966) (see "POINTS TO NOTE 2" C4-5).

4.

The proportion for uprating under (f) is:
i. period from 1 April 1972 to ceasing to serve
ii. period from 1 April 1972 until the fireman could have retired with an ordinary or short service pension in immediate payment.

(but it may not exceed a whole (see "POINTS TO NOTE (GENERAL) 3" C4-7).

(This proportion is an artificial one, based on a concept of a period while the fireman was serving, during which the scheme was "at risk" of becoming liable to pay a widow's pension, in proportion to a period during which the scheme would have been "at risk", had he served on to normal retirement. (The same concept applies to the proportion under (g) (see "POINTS TO NOTE 5", below).

5.

The proportion for uprating under (g) is:
i. period from 26 August 1966 to ceasing to serve
ii. period from 26 August 1966 until firemen could have retired with an ordinary or short service pension in immediate payment.

(but it may not exceed a whole (see "POINTS TO NOTE (GENERAL) 3", C4-7).

(This proportion is an artificial one (see "POINTS TO NOTE 4", above).

(Where a reduction of pension would result from the 1973 scheme, not the 1966 Scheme, the date 1 April 1972 should have been inserted instead of 26 August 1966. This error will not be corrected, however, as to do so could only worsen pension rights for those concerned).

POINTS TO NOTE (GENERAL)

1. Any service which you count under rule F4, (or FPSO 1973 Articles 51 or 52), after 1 July 1973, must be uprated to the half-rate (and the mixed-rate). It will therefore be included under both items (f) and (g) of TABLE B, unless you:
 - uprated it by payment of a lump sum in 1973,
 - then left the fire service with an entitlement to a deferred pension, and
 - later came back to count your service under F4 on relinquishing your deferred pension entitlement.

**SPOUSE'S ACCRUED PENSION:
SPECIAL PROVISIONS**

(However, if you left with a refund of contributions which included your lump sum uprating payment, you could not refund that lump sum on rejoining). If you had previously been uprating it by the contribution method, any additional or further contributions you had made would have been refunded to you when you left (or when you relinquished a deferred pension entitlement on your return) and you could not resume payment by the contribution method. (See "POINTS TO NOTE 2", BGen-5 and "POINTS TO NOTE 2 AND 4," F4-3).

2. In cases of uprating, both by payment of contributions and by reduction of pension, the proportions are to be worked out in completed years and months.
However:
 - a. the service of which a proportion is to be taken is to be calculated at its full length in years and days (including 29 February 1972 where it appears in a part year, as it often will),
 - b. in reduction of pension cases (where the proportions may need to be calculated by adding broken periods of service together) any broken periods should first be added together at their full length in years and days, and the aggregate periods then reduced to completed years and months to work out the proportion.

3. If it is necessary to calculate a widow's accrued pension where total pensionable service exceeds 25 years, some points should be borne in mind.
* This would be rare, but it could happen:
 - a. if you should transfer after completing 25 years' service, or
 - b. if you are entitled to a deferred pension having more than 25 years' service (unusual, but see "POINTS TO NOTE 2", B5-1).The points to bear in mind are:
 - * your widow's accrued pension may not exceed half your deferred pension.
(without this limitation the proportion for uprating by the reduction of pension method could result in a higher amount than it should), and
 - * none of the proportions in Table B items (f) and (g) could exceed a whole.

LIMITATION ON AWARD TO WIDOW
WITH REFERENCE TO DATE OF MARRIAGE

What is
the limitation?

Your widow will not be entitled to:
* an ordinary pension,
* a special award,
* an accrued pension, or
* an augmented award,
unless you were married to her while you were
serving as a regular firefighter.

POINTS TO NOTE

1. If you should divorce, but later remarry the same wife after you cease to serve, she will not lose her entitlement to an ordinary, accrued or special pension provided you were serving at some time during your first marriage to her.
2. This limitation does not affect your widow's entitlement to:
 - a widow's requisite benefit and temporary pension, (see C6-1), or
 - a widow's guaranteed minimum pension (see ANNEX 2-5)

What is the
award?

- * A widow's pension in case of post-retirement marriage will be payable:
 - if you were a regular firefighter, and
 - if your widow would have been entitled to an ordinary, accrued or special award had you been married during your service.

POINTS TO NOTE

1. It was a condition of "contracting-out" that a widow who married her husband after his retirement should be entitled to a pension of not less than 1/160th of his APP for each year of service on or after 6 April 1978.
2. A widow entitled to a pension in case of post-retirement marriage, could lose her entitlement through:
 - separation at the time of your death, or (see C8-1).
 - remarriage (see C9-1).

LIMITATION ON AWARD TO WIDOW
WITH REFERENCE TO DATE OF MARRIAGE

How much is the
pension?

The sums are set out in Example 1.
The basis of the calculations is explained here.

FIRST 13 WEEKS
(see E8-1).

AFTER FIRST 13 WEEKS

* The pension is similar to a spouse's ordinary or accrued pension, but based only on your service after 5 April 1978.

* The pension is the greater of:
- $\frac{1}{2}$ the appropriate proportion of your own pension
or notional pension,
or
- $\frac{APP \times S}{160}$

"Pension or notional pension" means:

- if instead of a spouse's ordinary pension, the same as in Schedule 3, Part I paragraph 1(2)
- if instead of a spouse's accrued pension, your deferred pension,
- if instead of a spouse's special pension, the ill-health pension to which you would have been entitled had you retired on account of disablement in circumstances entitling you to an ill-health pension.

"Appropriate proportion" means the proportion of your total pensionable service represented by your service or employment after 5 April 1978.

"S" means your pensionable service reckonable on account of service or employment after 5 April 1978.

"APP" means average pensionable pay.

Pensions increase (PI)

- * A widow's pension in case of post-retirement marriage will be increased:
- by PI (see ANNEX 1-7).

See L3-1.

When is the
pension paid?

Who is eligible?

If you are a regular firefighter and, after the beginning of the tax year in which your 65th birthday falls, or would fall, you:

- die while serving, or
- cease to serve as a regular firefighter

your widow will be entitled to:

- * a widow's requisite benefit pension, and
- * a temporary pension,

unless she is entitled to:

- a spouse's ordinary, special or accrued pension, or
- a widow's pension in case of post-retirement marriage.

POINTS TO NOTE

1. The tax year begins on 6 April in any year.
2. A spouse's special pension includes a special pension augmented under C3(3).
3. It is unusual for a firefighter, except in the highest ranks, to be serving until so close to his 65th birthday. It would be more unusual for his widow not to be entitled to one of the scheme's main benefits. The entitlement to a widow's requisite benefit pension was introduced in 1978 to meet the then "contracting-out" requirements of the social security legislation.

How much is the award?

FIRST 13 WEEKS

- * The temporary pension calculated as in E8 will be paid to your widow if you die while serving, or while you are receiving a pension. Otherwise:
 - a widow's requisite benefit pension (see below) will be payable for the first 13 weeks of widowhood, as well as afterwards.
- (You will be treated as receiving an injury pension only if you would have received one but for the size of your DSS benefits. Those benefits will be disregarded in working out the amount of your widow's temporary pension).

AFTER FIRST 13 WEEKS

- * A requisite benefit pension will be paid equal to:
$$\frac{\text{APP} \times \text{S}}{160}$$

If you die in service and the cash value of the widow's requisite benefit pension is less than your APP (see G1-1), your widow will also be entitled to:

- * a gratuity, equal to the difference.

"S" means your pensionable service reckonable on account of service or employment after 5 April 1978.

"APP" means average pensionable pay.

Pensions increase (PI)

- * A widow's requisite benefit pension will be increased:
 - by PI (see ANNEX 1-7).

**WIDOW'S REQUISITE BENEFIT
AND TEMPORARY PENSION**

When is the
award paid?

See L3-1.

POINTS TO NOTE

1. Your fire authority may obtain the Government Actuary's figure for the cash value of the widow's requisite benefit pension by writing to the Government Actuary's Department, 22 Kingsway, London WC2B 6LE (see also ANNEX 4).

RULE C7
C7 - Example 1
D1 - Example 4

**SPOUSE'S AWARD WHERE
NO OTHER AWARD PAYABLE**

Who is eligible?

Your widow(er) will be entitled to:

- * a temporary pension and ordinary gratuity, if he or she is entitled to no other award and you die while serving:
- as a regular firefighter with less than 3 years' pensionable service.

How much is the pension?

- * The temporary pension, which (together with any children's allowances) is equal to your pensionable pay for a week immediately before you die, is payable for the first 13 weeks, and

How much is the gratuity?

- * The ordinary gratuity is equal to your APP (see G1-1).

POINTS TO NOTE

1. No benefit is payable after the first 13 weeks, unless your widow(er) is also entitled to a "guaranteed minimum pension" (GMP) under J1(2).
2. If your widow(er) is entitled to a GMP it is likely to be small because your length of service is short. Your fire authority will be able to pay a "contributions equivalent premium" (CEP) to DSS, so that he or she will receive a higher state pension from DSS, instead of a GMP from your fire authority (see ANNEX 2-8).

When is the award paid?

See L3-1.

LIMITATION WHERE SPOUSES
LIVING APART

What is
the limitation?

If when you die you are living apart from your spouse, he or she will not be entitled to any of the benefits under C1 to C7.

What is the
award?

Your widow(er) will be entitled instead to the greater of:

a. a requisite benefit pension, equal to:

$$\frac{\text{APP} \times \text{S}}{160}$$

("S" means your pensionable service reckonable on account of service or employment after 5 April 1978. "APP" means average pensionable pay),

b. A "guaranteed minimum pension" (GMP) under J1(2), or

c. if at the time of your death:

* you were contributing to his or her maintenance, or the maintenance of a child of your spouse, or

* you were required so to contribute by a Court order,

a pension calculated under one of the rules C1 to C7, according to the circumstances but not exceeding the rate of maintenance payments you were making, or due to make.

* Your fire authority have discretion:

a. to increase your widow(er)'s pension up to the level of what it would have been had you not been living apart, and

b. pay any gratuity up to the level of what would have been due had you not been living apart.

Pensions increase (PI)

* A spouse's pension under C8 will be increased:
- by PI (see ANNEX 1-7).

POINTS TO NOTE

1. A widow(er)'s GMP is increased by pensions increase, but this increase is normally paid by DSS, (see ANNEX 1-9).
2. The entitlement to a GMP is a "contracting-out" requirement of the social security legislation (see ANNEX 2-5).
3. The entitlement to a requisite benefit pension was also a "contracting-out" requirement when SERPS was introduced in 1978 (see ANNEX 2-5).
4. It is important to note the distinction between what your widow(er) will be entitled to, and what he or she may receive at the discretion of your fire authority.
5. "Living apart" is not defined in the FPS but it should probably be construed as a matter of matrimonial law - meaning more than physical separation and implying a recognition by at least one spouse that the marriage is at an end.

When is the
pension paid?

See L3-1.

What is the limitation?

If your widow(er) remarries he or she will not be entitled to:

- any payment on account of a pension under C1 to C8 for any period after the remarriage, or
- any amount of a gratuity (including a gratuity under E5) not yet paid.
- * If the later marriage ends, your fire authority have discretion to:
 - resume payment of the pension or part of it, for as long as they think fit, and
 - pay the whole or part of the outstanding balance of the gratuity.

POINTS TO NOTE

1. Fire authorities are advised when terminating a widow(er)'s pension on re-marriage, to ask to be notified if the later marriage ends, so that they can act appropriately.
2. In practice, a spouse's award is normally reinstated under rule C9(1) or C9(2), unless his or her financial circumstances are such that it is manifestly unnecessary to do so. In other words, fire authorities tend to exercise their discretion favourably, except in very exceptional circumstances.
3. This rule does not affect a widow(er)'s "guaranteed minimum pension" (GMP) which ceases:
 - on re-marriage before state pensionable age (see J1-2), but continues in payment on remarriage after state pensionable age.
4. This rule does not affect an allocated pension (see "POINTS TO NOTE 2", B9-4).

SPOUSE'S ORDINARY PENSION

Example

1

The firefighter's pensionable service is all at $\frac{1}{2}$ rate. He dies in service aged 38.

Pensionable service: 18 years 25 days
(18.0685 years)

Equivalent to 25.0685/60ths as pensionable service over 13 years is enhanced by 7/60ths ("ill-health enhancement"), which does not take him beyond what he would have earned by the age of compulsory retirement.

Average pensionable pay: £17250.44

Notional ill-health pension:

$$\frac{7}{60} + \frac{18.0685}{60} \times 17250.44 =$$

$$\frac{25.0685}{60} \times £17250.44 = £7207.38$$

Spouse's pension: $\frac{1}{2}$ x £7207.38

Pension payable = £3603.69 a year

For the first 13 weeks, the widow's pension is increased to a rate which, together with any children's allowances, is not less than the husband's weekly pensionable pay.

The widow's pension will attract pensions increase from the first review date after it comes into payment.

Example
2

The firefighter's pensionable service is all at $\frac{1}{2}$ rate. He dies on 18 April 1992 of the illness which caused him to retire at midnight on 30 September 1982 with an ill-health gratuity.

Pensionable service: 4 years 334 days
(4.9151 years)
Equivalent to 4.9151/60ths (no "ill-health enhancement")

Pensionable service after 5 April 1978: 4 years 178 days
(4.4877 years)

Average pensionable pay: £7126

Notional ill-health pension:

$\frac{4.9151}{60} \times £7126 = £583.75$

Widow's pension:

a) $\frac{1}{2}$ husband's notional pension (£291.88)
+ PI from
1 October 1982 to April 1992 = £490.30 a year

b) Widow's requisite benefit pension

$\frac{4.4877}{160} \times £7126 + \text{PI from 1 October 1982 to April 1992}$
= £335.74 a year

or

c) Widow's flat rate pension £379.78 a year
+ PI* from 30 June 1978 to April 1992
= £1025.18 a year

Pension payable = £1025.18 a year

* PI authorised by Orders made in accordance with section 59 of the Social Security Act 1975. This excluded the PI (Review) Order 1978.

(see "POINTS TO NOTE 2", E10-2)

The widow's pension will continue to attract pensions increase.

SPOUSE'S ORDINARY PENSION

Example
3

The firefighter's pensionable service is all at $\frac{1}{2}$ rate. He retired at midnight on 31 March 1974 with an ordinary pension and dies in 1991 aged 67.

Pensionable service: 30 years
Equivalent to 40/60ths as service after 20 years counts double

Average pensionable pay: £3046

Gross ordinary pension:

$\frac{40}{60} \times £3046 = £2030.67$

Reduction in the firefighter's pension to uprate widow's pension = 2.5%

$\frac{£2030.67 \times 2.5}{100} = £50.77$

Pension payable
£2030.67 - £50.77 = £1979.90

Pension increased by 6.1% (Pensions (Increase) Act 1974)
£1979.90 + £120.77 = £2100.67

Pension increased from 1 April 1974 to April 1991
£2100.67 + £8996.12 = £11096.79

Widow's pension: $\frac{1}{2} \times £2030.67 = £1015.33$ a year
Pension increased by 6.1% (Pensions (Increase) Act 1974)
£1015.33 + £61.94 = £1077.27
£1077.27 x 5.2825 = £5690.68
(Pensions increase from 1 April 1974 to April 1991)
Pension payable = £5690.68 a year

For the first 13 weeks, the widow's pension is increased to a rate which is not less than her husband's weekly rate of pension immediately before he died, disregarding any reduction in his pension for uprating.

Temporary pension:
£2030.67 divided by $52 \frac{1}{6}$
 $£2030.67 \times \frac{6}{313} = £38.93$ a week
Pension increased by 6.1% (Pensions (Increase) Act 1974)
£38.93 + £2.37 = £41.30
plus £176.87 = £218.17
(Pensions increase from 1 April 1974 to April 1991)
Temporary pension payable = £218.17 a week

Example
4

The firefighter's pre-1972 pensionable service is at 1/3rd rate. He dies in service on 31 March 1991.

Pensionable service: 23 years
 Service after 20 years counts double (ie add 3 years) = 26 years

Equivalent to 33/60ths as service over 13 years is enhanced by 7/60ths ("ill-health enhancement"), which does not take him beyond what he would have earned by the age of compulsory retirement.

Pre-1972 pensionable service: 4 years

Average pensionable pay: £15217

Notional ill-health pension:

$$\frac{7}{60} + \frac{26}{60} \times \text{£}15217 = \frac{33}{60} \times \text{£}15217 = \text{£}8369.35$$

Widow's pension:

$$\text{a) } \left(\frac{1}{3} \times \text{£}8369.35 \right) + \left(\frac{1}{6} \times \frac{26 - 4}{60} \times \text{£}15217 \right) = \text{£}3719.71$$

or

b) RNY* = 16 years
 RPS** = 19 years
 WRPS*** = 22 years

(RPS - RNY) x 2 + RNY = WRPS
 (If RPS is less than RNY, WRPS = RPS)
 (19-16) x 2 + 16 = 22

As WRPS exceeds 20, pension based on RPS + 1/2 pre-1972 pensionable service
 $\left(19 + \frac{4}{2} \right) = 21$

$$\frac{1}{2} \times \left(\frac{7 + 22}{60} \right) \times \text{£}15217 = \text{£}3677.44$$

Pension payable = £3719.71 a year

For the first 13 weeks, the widow's pension is increased to a rate which, together with any children's allowances, is not less than the husband's weekly pensionable pay. The widow's pension will attract pensions increase from the first review date after it comes into payment.

-
- * RNY - Relevant number of years = 20 - pre-1972 service
 - ** RPS - 1/2 rate pensionable service
 - *** WRPS - Weighted 1/2 rate pensionable service

SPOUSE'S ORDINARY PENSION

Example

5

The firefighter's pre-1972 pensionable service is at 1/3 rate. He retired on ill-health grounds at midnight on 31 March 1987 and dies some years later.

Pensionable service: 17 years
 Equivalent to 24/60ths as service over 13 years is enhanced by 7/60ths ("ill-health enhancement"), which does not take him beyond what he would have earned by the age of compulsory retirement.

Pre-1972 pensionable service: 2 years

Average pensionable pay: £11193

Gross ill-health pension:

$$\frac{7}{60} + \frac{17}{60} \times \text{£}11193 = \frac{24}{60} \times \text{£}11193 = \text{£}4477.20$$

Widow's pension:

$$a) \left(\frac{1}{3} \times \text{£}4477.20 \right) + \left(\frac{1}{6} \times \frac{17 - 2}{60} \times \text{£}11193 \right) = \text{£}1958.78$$

or

- b) RNY* = 18 years
 RPS** = 15 years
 WRPS*** = 15 years

(If RPS is less than RNY, WRPS = RPS)
 WRPS = 15 years

As WRPS exceeds 20, pension based on enhanced WRPS =

$$\frac{1}{2} \times \left(\frac{7 + 15}{60} \right) \times \text{£}11193 = \text{£}2052.05$$

Pension payable = £2052.05 a year

For the first 13 weeks, the widow's pension is increased to a rate which, together with any children's allowances, is not less than the husband's weekly pension. The widow's pension will attract pensions increase from the date her husband's pension began.

- * RNY - Relevant number of years = 20 - pre-1972 service
 ** RPS - 1/2 rate pensionable service
 *** WRPS - Weighted 1/2 rate pensionable service

Example
6

The firefighter's pre 1972 pensionable service is all at 1/3 rate. He retires with an ordinary pension at midnight on 1 March 1987 and dies in retirement.

Pensionable service: 25 years
Equivalent to 30/60ths as service after 20 years counts double

Pre-1972 pensionable service: 10.0822 years

Pensionable service after 5 April 1978: 8 years 330 days (8.9041 years)

Average pensionable pay: £12282

Gross ordinary pension:

$\frac{30}{60} \times £12282 = £6141$ a year

Widow's pension:

a) $\left(\frac{1}{3} \times £6141 \right) + \left[\frac{1}{6} \times \left(30 - \frac{10.0822}{60} \right) \times £12282^* \right]$
= £2726.53 a year

b) Widow's requisite benefit pension:

$\frac{8.9041 \times £12282}{160} = £683.50$ a year

c) Widow's flat rate pension

(+ PI+ from 30 June 1978) = £379.78 a year

Pension payable = £2726.53 a year

For the first 13 weeks, the widow's pension is increased to a rate which, together with any children's allowances, is not less than the husband's weekly pension. The widow's pension will attract pensions increase from the date her husband's pension began.

* This calculation - 1/3 of husband's actual pension (based on all his service) plus 1/6 of a hypothetical pension (based on his 1/2 rate service only) produces a pension at the 1/3 rate in respect of 1/3 rate service and the 1/2 rate in respect of 1/2 rate service ($\frac{1}{3} + \frac{1}{6} = \frac{1}{2}$)

+ PI (see C1-Example 2)

SPOUSE'S ORDINARY PENSION

Example

7

The firefighter's pre-1972 pensionable service is at flat rate. He dies in service aged 50.

Pensionable service: 30 years

Equivalent to 40/60ths as service after 20 years counts double

Pre-1972 pensionable service: 18.2740 years

Average pensionable pay: £16827

<u>Widow's pension:</u>	$(\frac{1}{2} \times \frac{40 - 18.2740}{60}) \times £16827$
<u>Pension payable</u>	= £3046.53 a year

For the first 13 weeks, the widow's pension is increased to a rate which, together with any children's allowance, is not less than the husband's weekly pensionable pay. The widow's pension will attract pensions increase from the first review date after it comes into payment.

Example
8

The firefighter retires with an ordinary pension on 5 January 1986 after 31 years 94 days service. His pre-1972 service is at "flat rate". He dies on 13 July 1992.

Pensionable service: 31 years 94 days
 Equivalent to 40/60ths
Average pensionable pay: £12347.13 a year.

Widow's pension is based on post 1972 service or flat rate (whichever is the greater).

Where the husband's pensionable service exceeds 30 years, then his pre-1972 service shall be reduced by that excess.

Actual pre-1972 service = 17 years 180 days
 equivalent to 17.4932 years

17.4932 - 1.2576 (1 year 94 days) = 16 years 86 days (16.2356 years)

a) $\left(\frac{1 \times 40 - 16.2356}{2 \times 60} \right) \times £12347.13 = £2445.18$ a year

or

b) Flat rate £379.78 a year = £1035.59 a year
 (plus PI from 30 June 1978 to April 1992)

a) is greater than b) including PI

Widow's pension payable = £2445.18 a year

For the first 13 weeks, the widow's pension is increased to a rate which, together with any children's allowances, is not less than the husband's weekly pension. The widow's pension will attract pensions increase from the date her husband's began.

SPOUSE'S SPECIAL AWARD

Example
1

The firefighter dies as a result of a qualifying injury after very short service.

Pensionable service: 3 years 159 days (3.4356 years)
Equivalent to 3.4356/60ths (no "ill-health enhancement")

Average pensionable pay: £12410.23
(£237.90 a week)

Notional ill-health pension:

$\frac{3.4356}{60} \times £12410.23 = £710.61$

Widower's Special Award:

Gratuity

25% OF £12310.23 = £3102.56

PLUS the greater of

a) £12410.23 (app)

or

b) $2\frac{1}{4} \times £710.61$ (notional ill-health pension)
= £1598.87

Gratuity payable:

£3102.56 + £12410.23 = £5584.96

Widower's special pension:

45% of £237.90 = £107.06 a week

£107.06 x $\frac{313}{6}$ = £5584.96

Pension payable = £5584.96 a year

For the first 13 weeks, the widower's pension is increased to a rate which, together with any children's allowances, will not be less than his wife's weekly rate of pensionable pay immediately before she died.

The widower's pension will attract pensions increase from the first review date after it comes into payment.

Example

2

The firefighter dies in retirement on an ordinary pension, death attributed to a qualifying injury.

Pensionable service: 25 years 102 days

Service after 20 years counts double
(ie add 5 years 102 days):

30 years 204 days (30.5589 years)

Equivalent to 30.5589/60ths

Average pensionable pay: £15291
(£293.12 a week)

Widow's Special Award:

Gratuity payable:

25% of £15291 = £3822.75

Widow's special pension:

45% of £293.12 = £131.90 a week

£131.90 x $\frac{313}{6}$ = £6880.78

Pension payable = £6880.78 a year

For the first 13 weeks, the widow's pension is increased to a rate which, together with any children's allowances, will not be less than her husband's weekly rate of pension immediately before he died.

The widow's pension will attract pensions increase from the date her husband's pension began.

SPOUSE'S AUGMENTED AWARD

Example

1

The firefighter dies as a direct result of trying to save lives in a fire.

Pensionable service: 16 years 161 days
 (16.4411 years)
 Equivalent to 23.4411/60ths as pensionable service over 13 years is enhanced by 7/60ths ("ill-health enhancement") which does not take him beyond what he would have reckoned by the age of compulsory retirement.

Average pensionable pay: £17254.36
 (£330.75 a week)

Widow's augmented award:

Gratuity payable:

2 x £18261	=	£36522
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(annual pensionable pay of a basic rank firefighter employed in London entitled to reckon 30 years' service)
 (compare with rule C2(2)(b) - to pay the greater, see C3-1).

Widow's augmented pension:

50% of £330.75	=	£165.38 a week
£165.38 x $\frac{313}{6}$	=	£8627.32

Pension payable = £8627.32 a year

For the first 13 weeks, the widow's pension is increased to a rate which, together with any children's allowances, will not be less than her husband's weekly rate of pensionable pay immediately before he died.

The widow's pension will attract pensions increase from the first review date after it comes into payment.

Example
2

The firefighter dies in retirement as a result of an injury on duty caused in circumstances in which the fire authority think that an augmented award should be paid.

Pensionable service: 18 years 203 days
(18.5562 years)

Equivalent to 25.5562/60ths as pensionable service over 13 years is enhanced by 7/60ths ("ill-health enhancement") which does not take him beyond what he would have earned by the age of compulsory retirement.

Average pensionable pay: £11810.87
(£226.41 a week)

Widow's augmented award:

Gratuity payable:-

2 x £18261 = £36522

(annual pensionable pay of a basic rank firefighter employed in London entitled to reckon 30 years' service)
(compare with rule C2(2)(b) - to pay the greater, see C3-1).

Widow's augmented pension:

50% of £2226.41 = £113.21 a week

£113.21 x $\frac{313}{6}$ = £5905.79

Pension payable = £5905.79 a year

For the first 13 weeks, the widow's pension is increased to a rate which, together with any children's allowances, will not be less than her husband's weekly rate of pension immediately before he died.

The widow's pension will attract pensions increase from the date her husband's pension began.

SPOUSE'S ACCRUED PENSION

Example

1

The firefighter has no pre-1972 service and dies after his deferred pension has been in payment for one year.

Pensionable service: 8 years

Deferred pension on retirement: £1579.06

Deferred pension in payment at the time of his death:

£1579.06 (+ PI from the day after his last day of service)

Widow's accrued pension:

$$\frac{1}{2} \times £1579.06 = £789.53$$

Pension payable = £789.53 a year
(+ PI from the day after her husband's last day of service).

For the first 13 weeks, the widow's pension is increased to a rate which, together with any children's allowances, will not be less than her husband's weekly rate of deferred pension immediately before he died.

Example

2

The firefighter has no pre-1972 service but dies before his deferred pension comes into payment.

Pensionable service: 10 years

Deferred pension: £2434.00

Widow's accrued pension:

$$\frac{1}{2} \times £2434.00 = £1217.00$$

Pension payable = £1217.00 a year
(+ PI from the day after her husband's last day of service).

As the deferred pension is not in payment the widow's accrued pension is not increased for the first 13 weeks.

Example
3

The firefighter joined before 1st April 1972 and opted to uprate his pre-1972 service by paying further contributions.

Pensionable service: 16 years 206 days
(16.5644 years)

Pre-1972 pensionable service: 9 years 237 days
(9.6493 years)

Deferred pension on retirement: £2419.71

Half rate service: $\frac{(a \times c)}{b} + d$ where

a = service from 1st April 1973 in months

b = service from 1st April 1973 to 25 years in months

c = service before 1st April 1972 in years and days

d = service from 1st April 1972 in years and days

$\frac{70}{172} \times 9.6493 + 6.9151 = 10.8421$

Widow's accrued pension:

$\left(\frac{1}{3} \times \frac{\text{total service}}{\text{total service}} \times \text{deferred pension} \right) +$

$\left(\frac{1}{6} \times \frac{\text{half rate service}}{\text{total service}} \times \text{deferred pension} \right)$

$\left(\frac{1}{3} \times \frac{16.5644}{16.5644} \times £2419.71 \right) + \left(\frac{1}{6} \times \frac{10.8421}{16.5644} \times £2419.71 \right)$

£806.57 + £263.97 = £1070.54

Pension payable = £1070.54 a year

The widow will be entitled to an increased pension for the first 13 weeks only if her husband's pension was in payment.

The widow's pension will attract pensions increase from the day after her husband's last day of service.

SPOUSE'S ACCRUED PENSION

Example
4

The firefighter joined before 1st April 1972 from the Police and opted to uprate his pre-1972 service by paying further contributions.

Pensionable service: 17 years 53 days
(17.1452 years)

Fire Service, 30.12.68 to 31.1.80: 11 years 33 days

Police, 10.12.62 to 29.12.68: 6 years 20 days

Pre-1972 pensionable service: 9 years 112 days
(9.3068 years)

Deferred pension on retirement: £2605.59 a year

Half rate service: $\left(\frac{a}{b} \times c \right) + d$ where

a = service from 1st April 1973 in months

b = service from 1st April 1973 to 25 years in months

c = service before 1st April 1972 in years and days

d = service from 1st April 1972 in years and days

$\left(\frac{82}{176} \times 9.3068 \right) + 7.8384 = 12.1745$ years

Widow's accrued pension:

$\left(\frac{1}{3} \times \frac{\text{total service}}{\text{total service}} \times \text{deferred pension} \right) +$

$\left(\frac{1}{6} \times \frac{\frac{1}{2} \text{ rate service}}{\text{total service}} \times \text{deferred pension} \right)$

$\left(\frac{1}{3} \times \frac{17.1452}{17.1452} \times £2605.59 \right) + \left(\frac{1}{6} \times \frac{12.1745}{17.1452} \times £2605.59 \right)$

£868.53 + £308.36

Pension payable = £1176.89 a year

The widow will be entitled to an increased pension for the first 13 weeks only if her husband's pension was in payment.

The widow's pension will attract pensions increase from the day after her husband's last day of service.

WIDOW'S PENSION IN CASE OF POST RETIREMENT MARRIAGE

Example

1

The widow would have been entitled to an ordinary pension if she had married the firefighter while he was still serving.

Pensionable service: 26 years 276 days
(26.7562 years)

Service after 20 years counts double
(ie add 6 years 276 days): 33 years 187 days
(33.5123 years)

Equivalent to 33.5123/60ths

Pensionable service after
5 April 1978: 1 year 199 days
(1.5452 years)

Average pensionable pay: £6205.17

Firefighter's ordinary pension:

$$\frac{33.5123}{60} \times \text{£}6205.17 = \text{£}3465.83$$

Widow's pension:

$$(a) \frac{1}{2} \times \frac{1.5452}{26.7562} \times \text{£}3465.82 = \text{£}100.08$$

or

$$(b) \frac{1}{160} \times 1.5452 \times \text{£}6205.17 = \text{£}59.93$$

Pension payable = £100.08 a year

(+ PI from the date husband's pension began)

For the first 13 weeks, the widow's pension is increased to a rate which, together with any children's allowances, will not be less than her husband's weekly pension immediately before he died.

SPOUSE'S AWARD WHERE NO OTHER AWARD PAYABLE

Example
1

The firefighter dies in service with less than
3 years' service.

Pensionable service: 2 years 254 days
Annual Pensionable pay: £12200
Average pensionable pay: £12014

Widow's award:

- a) For the first 13 weeks, the widow is paid a temporary pension at a rate which, with children's allowances, will not be less than her husband's weekly pensionable pay immediately before he died.

$$£12200 \times \frac{6}{313} = £233.87 \text{ a week}$$

and

- b) A gratuity equal to her husband's average pensionable pay

Gratuity payable = £12014

(The widow would also be entitled to a death in-service lump sum equal to twice annual pensionable pay - rule E1)

SPOUSE LIVING APART, REQUISITE BENEFIT PENSION

Example

1

The widow would otherwise have been entitled to an ordinary pension.

Pensionable service: 30 years
Pensionable service after
5 April 1978: 10 years 123 days
Average pensionable pay: £12030.00

Widow's requisite benefit pension:

$\frac{£12030}{160} \times 10.3370 = £777.21 \text{ a year}$

Pension payable = £777.21 a year
(+ PI from the date husband's pension began)