
PART E**AWARDS ON DEATH -
ADDITIONAL PROVISIONS**

Part E deals with the awards which may arise on the death of a regular firefighter in addition to those covered in Parts C and D - lump sum death grant (E1), adult dependant relative's special pension (E2), dependant relative's gratuity (E3) and payment of balance of contributions to estate (E4). In some circumstances a surviving spouse's pension or a child's allowance can be converted to a gratuity (E5,6) subject to the overall limits in rule E7. The calculations are mainly dealt with in Schedule 5. There is provision for a temporary increase to a certain dependant's benefits from the first 13 weeks (E8). Minimum rates apply to some awards (E9).

Who is eligible?

If you are a regular firefighter who dies in service (on or after 1 July 1991) your widow(er) will be entitled to a lump sum payment. If you have no legal spouse at your date of death payment will be made to your estate.

How much is the award?

The death grant will be equal to two year's pensionable pay - that is at the rate payable at the date of your death.

POINTS TO NOTE

1. This benefit was introduced with effect from 1 July 1991 in return for an increase in the employee contribution rate from 10.75% to 11% of pensionable pay. The extra cost of the benefit is fully covered by the contribution rate increase.
2. This payment does not affect the refund of your aggregate pension contributions under E4 in a case where there is no entitlement to any other award under the FPS (see also POINTS TO NOTE 3 - B6-1).
3. If you are on unpaid leave at the date of death your pensionable pay will be at the rate payable immediately before your absence began.
4. The death grant will not be paid to your surviving spouse if you were "living apart" at your date of death. Payments would instead go to your estate.

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 fire authority has discretion to pay:

- * an adult dependent relative's special pension, if you leave a relative who is substantially dependent on you at the time of your death.

Your dependent relative may be:

- a. a parent, a brother or a sister aged 19 or over when you die, or
- b. a child of yours who is or becomes 19.

POINTS TO NOTE

1. This rule may apply even if you leave the fire service for some other reason and later die because of an injury on duty.
2. "Substantially dependent" is not defined. It is for your fire authority to decide whether in their view there is substantial dependency, but even if they decide there is, it is still within their discretion to refuse an award, having regard to all the circumstances of the case. As this award is expressly declared to be within a fire authority's discretion, there is no appeal against a decision not to pay it (see H3-1).
3. "Child" has the meaning as is set out at A2-2. Rule E2(2)(c) may include, for instance, a brother or sister who becomes 19 after your death, provided they were substantially dependent on you when you died. If a fire authority were to grant a pension under this rule to a child entitled to a special allowance under D2, only the higher of the 2 awards would be payable, because of L4(3).

How much is the pension?

The amount of pension payable depends on what other benefits are payable under the scheme on your account.

- * An adult dependent relative's basic special pension will equal 45% of your APP.
 - if you do not leave a widow(er) entitled to a special pension (see Example 2).

ADULT DEPENDENT RELATIVE'S
SPECIAL PENSION

- * An adult dependent relative's basic special pension will equal 20% of your APP:
 - if you also leave a widow(er) to whom a special pension is payable (see Example 1).

Reductions

- * An adult dependent relative's special pension will be reduced if necessary, so that the total payable on account of:
 - spouses's special pension
 - children's special allowances, and
 - adult dependent relatives' special pensions,will not be more than APP for a week (ignoring PI).
- * An adult dependent relative's special pension will not be paid:
 - if any spouse's special pension and child's special allowances payable are more than your APP for a week (ignoring PI).

Pensions Increase (PI)

- * The basic amount of an adult dependent relative's special pension will be increased:
 - by PI (see ANNEX 1-7).

POINTS TO NOTE

1. It is possible for more than one adult dependent relative's special pension to be paid. The basic amount of each would be 45% or 20% of your APP, depending on the circumstances of each. If the basic amount had to be reduced it would be for your fire authority to decide whether or not to reduce the pensions equally.
2. An adult dependent relative's special pension could start at 20% of your APP for a week, and be increased to 45% following the death of a widow(er).
3. Your APP for a week would be your APP at the time of your death, or on which your pension was based, divided by 52 1/6 (see G1-1).

When is the pension paid?

This pension is paid at the discretion of your fire authority. They may stop paying it, or resume paying it, as they think fit, in the light of the pensioner's circumstances (see L3-2).

Who is eligible?

If you are a regular firefighter and when you die you leave a relative, or relatives, substantially dependent on you, your fire authority has discretion to grant any of them:

- * a dependent relative's gratuity if:
 - a. you were receiving a pension other than a deferred pension when you died, or
 - b. you died while serving and no other award was payable to that person under the FPS (except under E1).

How much is the gratuity?

The total of any gratuities payable under this rule must not be more than your aggregate pension contributions (see A8-1).

POINTS TO NOTE

1. More than one gratuity may be paid under this rule.
2. Your fire authority has discretion whether to pay any gratuities to dependent relatives, and if so how much they shall be, within the limit laid down. There is no right of appeal against the fire authority's decision (see H3-1).
3. "Substantially dependent" has the same significance as for E2 (see POINTS TO NOTE 2, E2-1).
4. "Relative" covers your surviving spouse, child, parent or grandparent. Any child of any such person is also covered.

Who is eligible? If you are a regular firefighter and you die:

- while entitled to an ordinary, short service, ill-health or deferred pension, or
- while serving,

and payments made to you, or due to be made to your dependants, do not equal your aggregate pension contributions, your fire authority must pay:

- * a balancing sum to your estate.

The payments which must be taken into account include:

- a. payments made to you on account of any award, including an injury pension and any commuted lump sums, and the portion of pension which would have been paid had you not allocated,
- b. the cash value of any pension or allowance payable on your death, and
- c. any gratuity payable on your death, except a payment under E1 (death grant - see E1-1).

How much is the payment?

The balancing sum to be paid to your estate will equal:

- * your aggregate pension contributions in respect of your relevant period of service, less the payments listed above which must be taken into account (see A8-1).

POINTS TO NOTE

1. The rule usually applies where you have received little or no pension payments yourself when you die and leave no dependants. It ensures that payments at least equal to your aggregate pension contributions, less any payments made or due to be made are returned to your estate. The payment under E1 (death grant) is ignored for this purpose.
2. Payment will be made to your legal personal representative - usually the executor of your will. It will form part of your estate to be paid in accordance with the terms of your will, or if you have not made a will, according to the law of intestacy.
3. Your fire authority may obtain the Government Actuary's figure for the cash value of any pension or allowance payable to your dependants after your death by writing to the Government Actuary's Department, 22 Kingsway, London WC2B 6LE (see also ANNEX 4).

GRATUITY IN LIEU OF
SURVIVING SPOUSE'S
PENSION

Who is eligible? If you leave a widow who is entitled to a pension under Part C or a GMP under J1(2), she may be granted a gratuity instead of that pension or part of it if:

- a. the pension is a spouse's ordinary or special pension, and
 - you have died before reaching age 65,
 - your fire authority are satisfied there are good reasons for doing so,
 - the widow consents, and
 - E7 does not prevent it, or
- b. the pension is not more than £260 a year.

In the case of a widower, a spouse's ordinary or special pension may be commuted for a lump sum if:

- the fire authority are satisfied that there are good reasons for doing so,
- the widower consents, and
- E7 does not prevent it.

POINTS TO NOTE

1. If your widow is entitled to a GMP under J1(2) of not more than £260 a year, it may be commuted under E5(1).
2. If your widow is entitled to an ordinary, or special pension which is commuted under E5(2), except for an amount equal to her GMP, the GMP may not then be commuted under E5(1), even if it is less than £260 a year. This is a requirement of the social security legislation.
3. If E7 prevents your fire authority from substituting a gratuity for the whole of your widow(er)'s pension, they may substitute a gratuity for part of it.
4. The provision is most likely to be used if:
 - the pension is too small to make continuing payments worthwhile, or
 - an immediate large lump sum would be of greater benefit to your widow(er) than continuing pension payments.

How much is the gratuity?

The amount of the gratuity is:

- a. 11 times the annual value of the pension, or part of the pension nominated for commutation, or
- b. a greater amount agreed between your fire authority and your widow(er), not more than the cash value of the amount of pension being given up, according to tables prepared by the Government Actuary.

In case of a widower, only the amount under b. applies.

POINTS TO NOTE

1. Your fire authority may obtain the Government Actuary's figure by writing to the Government Actuary's Department, 22 Kingsway, London WC2B 6LE (see also ANNEX 4).

When is the See L3-2 and 3.

Who is eligible? If you leave a child who is entitled to an ordinary, special or accrued allowance the child may be granted a gratuity in lieu of that allowance, if:

- * your fire authority is satisfied there are good reasons for doing so,
- * the child's surviving parent, or guardian agrees, or if there is no surviving parent or guardian, the child agrees, and
- * E7 does not prevent it.

POINTS TO NOTE

1. If E7 prevents your fire authority from substituting a gratuity for the whole of the child's allowance, they may substitute a gratuity for part of it.
2. This provision is most likely to be used if:
 - the allowance is too small to make continuing payments worthwhile, or
 - a large lump sum is needed for the benefit of the child.

How much is the gratuity? The amount of the gratuity must be agreed between your fire authority and the parent or guardian (or the child if there is no parent or guardian). It may not exceed the cash value of the allowance which is being given up, calculated by the Government Actuary.

POINTS TO NOTE

1. In practice the Government Actuary's figure is usually used. Your fire authority may obtain this by writing to the Government Actuary's Department, 22 Kingsway London WC2B 6LE (see also ANNEX 4).

When is the gratuity paid? See L3-2 and 3.

LIMITATION ON DISCRETION TO
COMMUTE PENSION OR ALLOWANCE
FOR GRATUITY

What is the limitation? If you should die while receiving an ordinary, short service, ill-health or deferred pension:

- the amount of any gratuity in lieu of a spouse's pension (under E5) or in lieu of a child's allowance (under E6), together with
- the amount of any lump sum payable to you for your own commutation may not come to more than:
- * $\frac{1}{4}$ of the cash value of your own pension before commutation.

POINTS TO NOTE

1. If you commuted $\frac{1}{4}$ of your own pension, no gratuities can be paid under E5 or E6.
2. If you commuted less than $\frac{1}{4}$ of your own pension, it is for your fire authority to decide how much gratuity shall be paid to your widow(er) under E5, or to any children under E6, so as to keep within the limit set out in E7.
3. The relative values of the benefits concerned have to be assessed at the time of your retirement, so as to compare like with like.
4. Your fire authority may obtain the Government Actuary's figure for the cash value of your own pension or the actuarial equivalent of a gratuity or lump sum, by writing to the Government Actuary's Department, 22 Kingsway, London WC2B 6LE (see also ANNEX 4).

Who is eligible? Your widow(er) or children may be entitled to an increased pension or allowance for the first 13 weeks after you die, if, immediately beforehand you were:

- a. serving as a regular firefighter, or
- b. receiving a pension (see "POINTS TO NOTE 1", E8-2).

Which awards will be increased?

Widow(er)'s pension

The increase will apply to:

- * a spouse's ordinary pension,
- * a spouse's special pension (which includes an augmented pension),
- * a spouse's accrued pension (provided that the firefighter's deferred pension was in payment at the date of death, or
- * a widow's pension in case of post-retirement marriage.

Child's allowance

The increase will apply to:

- * a child's ordinary allowance,
- * a child's special allowance, or
- * a child's accrued allowance (provided that the firefighter's deferred pension was in payment at the date of death).

but only if:

- you do not leave a widow(er) entitled to a pension for the whole 13 weeks.

If a spouse's pension is payable during part of the 13 weeks, a child's allowance will be increased only for the weeks when there is no spouse's pension payable.

How much is the increase?

Your widow(er)'s pension will be increased (if necessary) for the first 13 weeks after your death, so that, together with any child allowance payable, it will equal:

- * your weekly pensionable pay immediately before you die, if you die in service or while called up for service, or
- * the weekly amount of your pension when you die if you die while receiving a pension.

Your "pension" for this purpose:

- includes any pensions increase payable with it, and
 - takes no account of any reduction in your pension:
- a. for uprating your service for widow's benefit, or
 - b. because you were receiving certain DSS benefits referred to in paragraph 3 of Part V of Schedule 2 (see "POINTS TO NOTE 1", E8-2).

The increase in a child's allowance (if there is no widow(er)'s pension payable) is to the same amount to which a widow(er)'s pension would have been increased (see above):

- but where there is more than 1 child this amount will be divided equally amongst them.

INCREASE OF PENSIONS AND
ALLOWANCE DURING FIRST 13 WEEKS

POINTS TO NOTE

1. The object of this provision is to maintain the level of family income for the first 13 weeks after your death, so as to ease the initial financial strain. For this reason:
 - you are not treated as receiving a deferred pension which is not in payment because you are under age 60 (see B5(4)), and
 - as far as an injury pension is concerned:
 - i. you are treated as receiving it if the only reason you are not is because of the amount of your DSS benefits, and
 - ii. your pension reduction on account of DSS benefits is ignored in increasing your widow(er)'s or children's awards (your DSS benefits will of course cease on your death).
2. This provision does not apply in cases of awards under C6 or C7. Under each of these rules entitlement to a temporary pension for 13 weeks calculated in a similar manner can already arise.
3. This provision does not apply to a spouse's requisite benefit pension under C8 for a widow living apart from her husband and entitled to receive no money from him when he died. The same applies to a widower of a female fighter.
4. A widow(er)'s pension or children's allowances, payable under Part C or D of this Scheme, might be higher than your rate of pension when you died, particularly if you were under age 55 and not yet qualified for pensions increase. Widow(er)'s and children's awards under Parts C and D receive pensions increases calculated from the date you cease to serve, immediately they come into payment. In such a case the higher award under Part C or D would be paid.
5. Where a child's allowance is liable to be reduced or extinguished under paragraph 2 of Part IV of Schedule 4 (because the child is in vocational training and is being paid more than a specified rate) this reduction or extinction will not apply until the end of the 13 week period, if the child is entitled to an increased allowance under this rule.

GENERAL

- * Widow's pensions at a flat-rate related to their husband's rank were included in the firemen's pension scheme in 1948 at a rate which has been increased in line with price increases ever since.
- * In 1966, a widow's pension at the rate of 1/3 of her husband's pension was introduced, but only where firemen elected to pay higher contributions. Widow's flat-rate awards continued for those who did not elect to pay the higher contributions and as a minimum rate of pension for those who did.
- * In 1972, a widow's pension at the rate of 1/2 of her husband's pension was introduced from 1 April 1972; all firemen had to pay pension contributions at a rate related to 6.75% of their pensionable pay.
- * The widow's pension at a flat-rate related to her husband's rank has, since 1972, been a minimum rate of widow's pension for men who leave the service or die in service after 1 April 1972. The same arrangements now apply in respect of widowers.
- * The history of children's allowances has been broadly similar.

DETERMINATION OF AMOUNT OF SURVIVING SPOUSE'S OR CHILD'S FLAT-RATE AWARD

- * Rule E9 has 2 functions, the first of which is to fix the rate of pension or allowance to be put in payment when a widow(er) or child has elected for a flat-rate award.
- * The amounts of flat-rate awards are fixed in relation to your own rank at the time of your death. There are 3 rates:
 - a. where you held a rank higher than divisional officer (Grade 1),
 - b. where you held a rank higher than sub-officer but not higher than divisional officer (Grade 1), and
 - c. where you held a rank of sub-officer or below.
- * The rates are fixed by reference to the level of flat-rate awards as they were after the November 1978 increase and increased subsequently as they would be under all the Pensions Increase (Review) Orders from November 1979 onwards. These Orders provide for all or part of the GMP element to be ignored in calculating the PI to be paid on official pensions (see "POINTS TO NOTE 2", E9-2).

FLAT-RATE AWARDS

- * Each surviving spouse's pension or child's allowance will come into payment at the rate appropriate to that particular benefit and the firefighter's rank at that time.
- * The second function of E9 is to provide for increases in flat-rate awards by reference to the 1971 Act.
- * Once the widow(er)'s or child's award has been put into payment at the appropriate rate, it will be increased in exactly the same way as an official pension would be at the times laid down in subsequent Pensions Increase (Review) Orders made under the 1971 Act, as applied by section 59 of the Social Security pensions Act 1975 (see ANNEX 1-4).

INCREASE IN FLAT-RATE AWARD BY REFERENCE TO PENSIONS (INCREASE) ACT 1971

POINTS TO NOTE

1. Flat-rate awards take no account of increase under the Pensions (Increase) Act 1974. They were not affected by the deferment of pay increases during the years 1972 and 1973, whose effect was mitigated by the 1974 Act.
2. The widow's flat-rate awards after the November 1978 increases were:
 - husband's rank:
 - * higher than divisional officer, £594.18 a year
 - * divisional officer, £494.54 a year
 - * sub officer or below, £379.78 a year

These amounts are increased as if they were pensions which began on 30 June 1978 and increased by all subsequent PI Orders except the November 1978 Order. This device was used to ensure that only PI Orders made in accordance with section 59 of the Social Security Pensions Act 1975 were taken into account. From 6 April 1988 the FPS is responsible for up to the first 3% of the pensions increase (PI) payable on the GMP. (see also ANNEX 1-8).

3. There is a small increase in the flat-rate of:
 - the spouse's ordinary pension if you were entitled to reckon more than 10 years' pensionable service, or
 - the spouse's accrued pension if you ceased to serve on or after 6 April 1975 and would have completed 10 years' pensionable service if you had stayed on to your compulsory retirement age.

These increases stem from a small extra benefit which was introduced in 1966 for the widows of men who opted for the widow's one-third rate pension, but who died before the 1/3 pension they had earned for their widow would have exceeded the basic flat-rate.

ADULT DEPENDENT RELATIVE'S SPECIAL PENSION

Example
1

The firefighter dies in service as a result of a qualifying injury. He leaves a widow entitled to spouse's special pension and a widowed mother who is substantially dependent upon him.

Pensionable service: 23 years 95 days
Average pensionable pay: £17810.86

Adult dependent relative's special pension:
20% of £17810.86 = £3562.17 a year
Pension payable = £3562.17 a year

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

ADULT DEPENDENT RELATIVE'S SPECIAL PENSION

Example
2

The firefighter dies as a result of a qualifying injury. She is unmarried but survived by her sister (age 20) who is substantially dependent upon her.

Pensionable service: 6 years 25 days

Average pensionable pay: £13040

Dependent relative's special pension:

45% of £13040 = £5868.00 a year

Pension payable = £5868.00 a year

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