

(2) Where a person entitled to a gratuity under this Part remarries any part of the gratuity that has not already been paid ("the outstanding amount") ceases to be payable; but if the marriage is dissolved or the other party to it dies the fire authority may pay the person the whole or any part of the outstanding amount.

PART D

AWARDS ON DEATH—CHILDREN

Child's ordinary allowance

D1.—(1) This rule applies where a person dies, leaving a child—

- (a) while serving as a regular firefighter, unless an election under rule G3 not to pay pension contributions had effect at the time of his death, or
- (b) while in receipt of an ordinary, short service or ill-health pension, or
- (c) while in receipt of an injury pension, if he has been but no longer is in receipt both of that pension and of an ill-health pension, or
- (d) in consequence of an injury on account of which he retired from service as a regular firefighter with an ill-health gratuity, if he has not since had any period of such service.

(2) Subject to rule D5, where this rule applies the child is entitled to an ordinary allowance calculated, subject to Part II of Schedule 11 (calculation in certain cases where deceased serving or entitled to pension on 1st July 1973), in accordance with Part I of Schedule 4.

Child's special allowance

D2.—(1) This rule applies where a person who is or has been a regular firefighter dies from the effects—

- (a) of a qualifying injury, or
- (b) of infirmity of mind or body occasioned by a qualifying injury,

leaving a child.

(2) Subject to rule D5, where this rule applies the child is entitled to a child's special allowance calculated in accordance with Part II of Schedule 4.

Child's special gratuity

D3.—(1) This rule applies where a person who is or has been a regular firefighter dies from the effects—

- (a) of a qualifying injury, or
- (b) of infirmity of mind or body occasioned by a qualifying injury,

leaving a child but not leaving a surviving spouse entitled to a gratuity under rule C2, and one of the conditions in rule C3(2) is satisfied.

(2) Subject to rule D5, where this rule applies the child is entitled to a gratuity in addition to a child's special allowance.

(3) Where only one child is entitled to a gratuity, its amount is that specified in rule C3(5) ("the full amount"); where two or more children are entitled, the amount of each gratuity is the full amount divided by the number of children entitled.

Child's accrued allowance

D4.—(1) This rule applies, whether or not the pension has come into payment, where a person entitled to a deferred pension dies leaving a child.

(2) Subject to rule D5, where this rule applies the child is entitled to an accrued allowance calculated in accordance with Part III of Schedule 4.

Child's allowance or special gratuity—limitations

D5.—(1) No allowance or gratuity under this Part shall be paid—

- (a) in respect of a child born on or after the relevant date who is not a child of a marriage that took place before that date, or
- (b) by reason of his being a step-child, in respect of a child of a spouse whose marriage to the deceased took place on or after the relevant date, or
- (c) by reason of his being substantially dependent on the deceased, in respect of a child who was not so dependent before the relevant date, or

(d) by reason of his being an adopted child, in respect of a child adopted on or after the relevant date, or
(e) except in the case of a legitimate or adopted child of the deceased, in respect of a child who was not substantially dependent on the deceased at the time of the death,
the relevant date being in each case the date on which the deceased ceased to be a regular firefighter.

(2) No allowance under this Part shall be paid in respect of a person who—

- (a) has attained the age of 16 but has not attained the age of 17, and
- (b) is in full-time employment,

unless the employment constitutes full-time training of at least one year's duration for a trade, profession or calling ("full-time vocational training").

(3) No allowance under this Part shall be paid in respect of a person who has attained the age of 17 unless—

- (a) he is permanently disabled and one of the conditions in paragraph (4) is satisfied, or
- (b) he is undergoing full-time education or full-time vocational training and either he has not attained the age of 19 or the condition in paragraph (5) is satisfied.

(4) The conditions mentioned in paragraph (3)(a) are—

- (a) that he was both permanently disabled and substantially dependent on the deceased at the time of the death, or
- (b) that he became permanently disabled while in receipt of an allowance under this Part, or
- (c) that the fire authority, having regard to all the circumstances, in their discretion determine to pay an allowance to him.

(5) The condition mentioned in paragraph (3)(b) is that he was undergoing full-time education or full-time vocational training immediately before his 19th birthday and either—

- (a) he has since continued to do so without any period of interruption, or
- (b) the fire authority, having regard to all the circumstances, in their discretion determine to pay an allowance to him notwithstanding any period of interruption.

(6) Part IV of Schedule 4 has effect for the reduction, in certain circumstances, of allowances under this Part.

(7) No special gratuity under rule D3 shall be paid in respect of a person who attained the age of 17 before the date of the death unless at that date he was—

- (a) undergoing full-time education or full-time vocational training, or
- (b) both permanently disabled and substantially dependent on the deceased.

PART E

AWARDS ON DEATH—ADDITIONAL PROVISIONS

Lump sum death grant

E1.—(1) On the death of a person while serving as a regular firefighter a lump sum death grant becomes payable unless an election under rule G3 not to pay pension contributions had effect at the time of the death.

(2) The grant is payable whether or not any pension or gratuity is payable under Part C.

(3) The amount of the grant is twice that of the deceased's pensionable pay, expressed as an annual rate—

- (a) at the time of the death, or
- (b) if he was then absent from duty without pay, immediately before that absence began.

(4) The grant is to be paid—

- (a) to any surviving spouse who qualifies for it, or
- (b) if there is no such surviving spouse, to the personal representatives.

(5) A surviving spouse who qualifies for the grant is one who was not living apart from the deceased at the time of the death.

Adult dependent relative's special pension

E2.—(1) This rule applies where a person who is or has been a regular firefighter dies from the effects—

- (a) of a qualifying injury, or