

# RULE C1

## Spouse's or civil partner's ordinary pension

**Rule C1 sets out the terms of eligibility for a spouse's or civil partner's ordinary pension. Part I of Schedule 3 explains how a spouse's or civil partner's ordinary pension should be calculated.**

### **Eligibility for a spouse's or civil partner's ordinary pension**

Rule C1(1) and (2) state that if you are or were a regular firefighter with at least 2 years' pensionable service and you die –

- (a) in service,
- (b) while receiving an ordinary, short service or ill-health pension,
- (c) while receiving an injury pension (under the FPS before 1 April 2006 or under the FCS on and after that date) if this was originally accompanied by an ill-health pension which is no longer in payment, or
- (d) as a result of an injury which caused you to retire from the service with an ill-health gratuity (not an injury award) and you have not subsequently been re-employed as a regular firefighter

then your spouse or civil partner will be entitled to an ordinary pension.

Most cases will be covered by (a) and (b).

It is most unlikely that (c) would apply – an ill-health pension will not normally cease if an injury pension continues in payment except in the event of forfeiture.

And (d) would only apply 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 and not as a result of a qualifying injury), and then, without serving again, died 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 into the FPS with effect from 1 March 1992 to correct an anomaly.)

### **Exclusions**

If you die in service and at that time an election not to pay contributions under Rule G3 was in force (i.e. you had opted out of the FPS and not opted back in again at the time of death) then under Rule C1(1)(a) your spouse or civil partner would not be eligible for an ordinary award.

### **Limitations**

Rule C10 explains that if a pension sharing order has been issued by a court on divorce, dissolution of a civil partnership or annulment, a spouse's or civil partner's benefits under Rule C1 will be reduced in line with the required reduction in the firefighter's own benefits. (See Annexe 14 for the effect of divorce or dissolution of civil partnership on pension rights.)

See Rule C5 (limitation on award to spouse or civil partner by reference to date of marriage or formation of partnership) and Rule C8 (limitation where spouses or civil partners living apart) for the adjustment or limitation of benefits in these circumstances.

See pages C Gen 1 for the special terms of calculation if you have any service before 1 April 1972.

# RULE C1

## Spouse's or civil partner's ordinary pension

<b>Rule C1 (continued)</b>
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**Limitations  
(continued)**

Although there is no reference to the effect of Rule B8 (Commutation – small pensions) in Rule C1, if your pension under Part B had been commuted under Rule B8 on or after 6 April 2006, the effect of the tax regime operative from that date would mean that the commutation would remove all entitlement to dependants' benefits and so a pension under C1 could not be paid. However, commutation under Rule B8 before 6 April 2006 would not affect dependants' benefits.

**Method of  
calculation:  
firefighter with  
all service after  
31 March 1972**

Paragraph 2 of Part I of Schedule 3 says that instead of having an ordinary pension calculated on the standard principles which follow, the widow(er) or civil partner could request a flat rate award as set out in Rule E9. A flat rate award was the standard award for a widow under early versions of the FPS. It would be most unusual nowadays for it to produce a greater sum than the options given in paragraph 1 of Part I of Schedule 3 (see overleaf).

Paragraph 1 of Part I of Schedule 3 requires that the spouse's or civil partner's ordinary pension should be the greater of –

- a “requisite pension” as calculated in accordance with Part V of Schedule 3 (see below), or
- half of the “base pension” (also explained below).

The “requisite pension” was introduced in 1978 as a requirement of contracting-out rules (see Annexe 8 which explains the inter-relationship between the FPS and the State pension scheme).

The amount of a requisite pension for a widow(er) is –

$$1/160 \times \frac{\text{years and days of pensionable service after 5 April 1978}}{\text{service after 5 April 1978}} \times \text{average pensionable pay}^*$$

and the amount of a requisite pension for a surviving civil partner is –

$$1/160 \times \frac{\text{years and days of pensionable service after 5 April 1988}}{\text{service after 5 April 1988}} \times \text{average pensionable pay}^*$$

\*Average pensionable pay is explained in Rule G1.

The “base pension” is –

- (a) in the case of death in service – the higher tier ill-health award to which you would have been entitled if you had retired on health grounds just before you died (before 1 April 2006 the base pension would be the ill-health pension)
- (b) in the case of death while receiving an ordinary, short service or ill-health pension – that pension
- (c) in the case where you were receiving an injury pension with an ill-health pension which subsequently stopped – that ill-health pension (not the injury pension)
- (d) in the case where you retired with an ill-health gratuity in consequence of an injury – the ill-health pension you would have received, had you been entitled to receive one.

# RULE C1

## Spouse's or civil partner's ordinary pension

<b>Rule C1 (continued)</b>
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**Method of calculation: firefighter with all service after 31 March 1972 (continued)**

In all cases the "base pension" must be the full amount of pension before any reductions in respect of –

- commutation (Rule B7)
- allocation (Rule B9)
- National Insurance modification (Part VII of Schedule 2) – generally firefighters with service before 1 April 1980
- uprating of widow's pension (Part VIII of Schedule 2) – see pages C Gen 1 if you have service before 1 April 1972 to which this would apply.

Also, whether it is the requisite pension or the base pension that is used, they would be subject to reduction as appropriate in line with any pension sharing order issued by a court on divorce, dissolution of civil partnership or annulment (Rule C10).

It is rare for the requisite benefit to be the greater award and so the most common levels of spouse's ordinary pension are –

- half of your notional higher tier ill-health award if you die in service
- half of your "unreduced" ordinary, short service or ill-health pension if you die as a pensioner.

In the case of a surviving civil partner, again it is unlikely that the requisite benefit would be the greater amount and so the most common levels of civil partner's pension will probably be the "half" pensions mentioned above but pro rated as required under Rule C1(2A), i.e. –

civil partner's pension =  $\frac{\text{pensionable service after 6.4.88}}{\text{total pensionable service}} \times \text{"half" pension}$

**Effect of part-time service**

If the firefighter had a period of part-time service, Schedule 3 Part I, paragraph 1(2) requires that the "base pension" should be assessed taking account of Schedule 2 Part VIA (calculation of awards for part-time service). The pages of this Commentary which cover Rule B13 explain this Part of Schedule 2.

The "requisite" pension, too, would be affected by any part-time service of the firefighter. Schedule 3 Part V pro rates a requisite pension in these circumstances by reference to the formula in Schedule 2 Part VIA.

(The pro rating for part-time service would be applied for any pro rating for civil partnership.)

**Tax**

Dependants' pension benefits are not tested for Lifetime Allowance purposes following the death of a pension scheme member, but the aggregate of dependants' scheme pensions must not exceed the amount of the member's scheme pension at the date of his/her death.

# RULE C1

## Spouse's or civil partner's ordinary pension

<b>Rule C1 (continued)</b>
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- Payment**                      Payment will be made in accordance with Rules L3 and L5.
- Example**                        Examples of the assessment of a spouse's ordinary pension and a civil partner's ordinary pension are given on pages C1-Example 1 and C1-Example 2 respectively.
- Archived pages**              Before April 2006, if a firefighter died in service the surviving spouse or civil partner could elect to take a reduced pension with a lump sum gratuity. This type of arrangement ceased to be possible with the introduction of a new tax regime for pension schemes which came into effect from 6 April 2006. Consequently the provision was removed from the Scheme rules. In case reference has to be made to this earlier provision, the previous explanation of Rule C1(3) to (6) and related Examples follow these pages as "archived" material.
- Useful reference source**
  - FSC 32/1979: explains the introduction of the death in service option of a reduced pension and lump sum gratuity as an alternative to a pension only
  - FSC 30/2004: reduction of qualifying period for spouse's ordinary pension (3 years to 2 years); introduction of pension provisions for part-time regular firefighters
  - FPSC 5/2005: introduction of survivor's benefits for civil partners
  - FPSC 9/2006: removal of the option for a reduced pension and gratuity

<b>Points To Note</b>
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1. For each of the first 13 weeks following your death, a payment equivalent to your weekly pensionable pay (death in service) or weekly rate of pension (death on pension) would be paid to your spouse or civil partner under Rule E8.
2. If you have any service before 1 April 1972, refer to pages C Gen 1 for details of the method of calculation.
3. Note that if you were living apart from your spouse or civil partner at the date of your death, pension rights are limited in accordance with Rule C8.
4. There is also a limitation on benefits in the case of a marriage or civil partnership which takes place after a firefighter has retired – see the explanation of Rule C5.
5. The firefighter's pension or notional pension used for the purpose of calculating the widow(er)'s or civil partner's pension excludes Pensions Increase (see Annexe 10). The spouse's or civil partner's own entitlement to Pensions Increase makes up for this.
6. Following divorce or dissolution of a civil partnership your former spouse or civil partner does not have entitlement to benefits as a surviving spouse or civil partner when you die.

# RULE C1

## Spouse's or civil partner's ordinary pension

### Rule C1 (continued)

#### Points To Note continued

7. Rule L4 prevents a widow(er) or civil partner from receiving more than one pension in respect of a firefighter's death unless the firefighter had more than one period of service counting for dependant's benefits.
8. Payment of a spouse's or civil partner's pension will cease if
  - your widow(er) remarries or forms a civil partnership, or
  - your civil partner forms a subsequent civil partnership or marries– see the explanation of Rule C9.
9. Forfeiture of a spouse's or civil partner's pension is possible but uncommon. However, if a firefighter's pension is forfeited the spouse's or civil partner's pension too, may be reduced or lost. In this case, though, it must not be reduced below the level of the spouse's Guaranteed Minimum Pension (see the explanation in Rule J1) if there is one.
10. A spouse's or civil partner's pension is reduced if the firefighter's pension is reduced in accordance with a pension sharing order made by a court on divorce, dissolution of civil partnership or annulment. However, if following divorce, dissolution of civil partnership, annulment or judicial separation a firefighter's pension has been made subject to an "earmarking" order this will have no effect on the spouse's or civil partner's entitlement to an ordinary pension. See Annexe 14 for more information about the effect of divorce, etc. on pension rights.
11. Before 6 April 1997 the period of pensionable service required for eligibility for a spouse's ordinary pension was 3 years. It was amended to 2 years to satisfy the "reference scheme test". This was necessary for the FPS to retain its contracted-out status with effect from 6 April 1997. Section 9(2B) of the Pension Schemes Act 1993 requires compliance with Section 12A which sets a statutory standard requiring benefits equal to or better than the reference scheme set out in Section 12B. Paragraph 4(c) of Section 12B requires that a widow(er) should receive 50% of the pension to which the member would have been entitled. A firefighter with 2 or more years' service would be eligible for a pension and, therefore, the spouse of such a firefighter should be entitled to a half pension. This amendment was not introduced into the FPS until 13 September 2004 but was made retrospective to 6 April 1997. The same rule now applies to civil partners.
12. Pension provisions for part-time regular firefighters were introduced on 13 September 2004.
13. Dependant's benefit provisions were introduced for civil partners on 5 December 2005 by legislation made under the Civil Partnership Act 2004. Regulations made under the Act required that survivor benefits for civil partners should be based on service from 6 April 1988. This was the date from which survivor benefit provision for male and female dependants was equalized for all pension schemes. To take account of the effect of double accrual of service in the case of many benefits provided by the FPS, a civil partner's award is usually calculated as for a spouse's award and then pro rated:

$$\text{civil partner's award} = \text{spouse's award} \times \frac{\text{member's service after 5.4.1988}}{\text{member's total service}}$$

**RULE C1**  
**Spouse's or civil partner's ordinary pension**

**Rule C1 (continued)**

**Points To Note continued**

14. With effect from 1 April 2006, the (single tier) ill-health pension (which included an enhancement of service) was replaced by two possible levels of ill-health award – the lower tier award which is a lower tier ill-health pension, and a higher tier award which is a lower tier ill-health pension plus a higher tier ill-health pension. In the case of death in service before 1 April 2006, the "base pension" for death-in-service benefits would be the single tier ill-health pension; in the case of death in service on and from that date, the "base pension" would be the lower tier ill-health pension plus the higher tier ill-health pension, i.e. the higher tier ill-health award.

## RULE C1

### Spouse's or civil partner's ordinary pension

#### Example of assessment of spouse's ordinary pension

#### Example A

*A firefighter dies in service at age 42, not as a result of a qualifying injury. At the date of death he had 22 years 25 days of service and his average pensionable pay (APP) was £22,800.*

Because the firefighter dies in service, his spouse will be entitled to half of the higher tier ill-health award to which he would have been entitled had he retired on health grounds with a higher tier ill-health award at the date of death.

Formula: Because the firefighter had at least 13 years' service, the formula for the spouse's pension is -

$$\frac{1}{2} \times \left[ \frac{7}{60} + \frac{\text{service to 20 years}}{60} + \frac{2}{60} \times \frac{\text{service in excess of 20 years}}{60} \right] \times \text{APP}$$

i.e. the firefighter's higher tier ill-health award is based on the ordinary/short service pension formula but with the addition of 7/60ths (see Rule B3). However, when applying this formula, care must be taken to ensure that the ill-health pension will not be more than the firefighter would have achieved at compulsory retirement age (assuming the same APP) or more than 40/60ths of APP. In this case, the addition of 7/60ths would not exceed the limits. This method of assessment can be used because we do not have to separate the lower tier and higher tier ill-health pensions as would be the case if we were calculating the pensions for the firefighter himself.

Spouse's ordinary pension will be:

$$\frac{1}{2} \times \left[ \frac{7}{60} + \frac{20}{60} + \frac{2}{60} \times \frac{2 \text{ 25/365}}{60} \right] \times £22,800.00 = \frac{1}{2} \times \frac{31.1370}{60} \times £22,800.00$$

= £5,916.03 a year

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The spouse's ordinary pension above will be increased by Pensions Increase from the date at the end of the averaging period used for working out APP, i.e. normally from the day after the firefighter's last day of service. The spouse's pension will continue to be increased in this way each year. See Annexe 10 for more information about Pensions Increase and how it is applied.

For the first 13 weeks following the firefighter's death, the spouse's ordinary pension is increased to a rate which, together with any children's allowances, is not less than the firefighter's weekly pensionable pay – see Rule E8.

## RULE C1

### Spouse's or civil partner's ordinary pension

#### Example of assessment of spouse's ordinary pension (continued)

#### Example B

*A former firefighter dies while in receipt of an ordinary pension. Her ordinary pension was based on 25 years of service and average pensionable pay (APP) of £16,000.*

The spouse will be entitled to an ordinary pension of half of the former firefighter's pension.

Formula:  $\frac{1}{2} \times \frac{[\text{service to 20 years} + 2 \times \text{service in excess of 20 years}]}{60} \times \text{APP}$

Spouse's ordinary pension will be:

$$\frac{1}{2} \times \frac{[20 + 2 \times 5]}{60} \times £16,000.00 = \frac{1}{2} \times \frac{30}{60} \times £16,000.00$$
$$= £4,000.00 \text{ a year}$$

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#### Example C

*A former firefighter dies while in receipt of a higher tier ill-health award and an injury pension. His death is not related to a qualifying injury. His higher tier ill-health award was based on 12 years' service and average pensionable pay (APP) of £21,600.*

The spouse will be entitled to an ordinary pension, not a special award (see Rule C2), because the death is not related to a qualifying injury. Her ordinary pension will be one half of her husband's ill-health award.

Formula: Because the former firefighter had ill-health pensions based on 12 years' service, the formula for his spouse's pension will be:

$$\frac{1}{2} \times \frac{20}{60} \times \text{APP}$$

Spouse's ordinary pension will be:

$$\frac{1}{2} \times \frac{20}{60} \times £21,600.00$$
$$= £3,600.00 \text{ a year}$$

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The spouse's ordinary pensions above will be increased by Pensions Increase from the date at the end of the averaging period used for working out APP, i.e. normally from the day after the firefighter's last day of service. It will be the same percentage of Pensions Increase as applied to the firefighter's own pension. The spouse's pension will continue to be increased in this way each year. See Annexe 10 for more information about Pensions Increase and how it is applied.

For the first 13 weeks following the firefighter's death, the spouse's ordinary pension is increased to a rate which, together with any children's allowances, is not less than the firefighter's weekly rate of pension – see Rule E8.

Another example follows . . .



# RULE C1

## Spouse's or civil partner's ordinary pension

**Example of assessment of spouse's ordinary pension (continued)**

### Example D

Assume the firefighter in Example A had worked part-time (half-time) throughout his 22 years 25 days of service. His average pensionable pay was £11,400.

Because the firefighter dies in service, his spouse will be entitled to half of the higher tier ill-health award to which he would have been entitled had he retired on health grounds at the date of death.

#### The whole-time ill-health pension would be:

$$\frac{7}{60} + \frac{20}{60} + \frac{2 \times 25}{365 \times 60} \times £22,800.00 = £11,832.05$$

#### Adjustment by formula given in Schedule 2 Part VIA

Formula:  $\frac{A \times (B + C)}{D}$

where A = £11,832.05  
B = 0  
C = 11.0342  
D = 22.0684

Firefighter's pension adjusted for part-time service would be:

$$£11,832.05 \times \frac{(0 + 11.0342)}{22.0684} = £5,916.03 \text{ a year}$$

#### Assessment of spouse's ordinary pension

Formula:  $1/2 \times$  firefighter's pension

Spouse's ordinary pension will be:

$$\begin{aligned} &1/2 \times £5,916.03 \\ &= £2,958.02 \text{ a year} \end{aligned}$$

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The spouse's ordinary pension above will be increased by Pensions Increase from the date at the end of the averaging period used for working out APP, i.e. normally from the day after the firefighter's last day of service. The spouse's pension will continue to be increased in this way each year. See Annexe 10 for more information about Pensions Increase and how it is applied.

For the first 13 weeks following the firefighter's death, the spouse's ordinary pension is increased to a rate which, together with any children's allowances, is not less than the firefighter's weekly pensionable pay – see Rule E8.

## RULE C1

### Spouse's or civil partner's ordinary pension

#### Example of assessment of surviving civil partner's ordinary pension

#### Example A

Assume the firefighter in Example A on page C1-Example 1 died leaving a civil partner. His service after 5.4.1988 is 20 years. The widow in Example A on page C1 Example 1 would be entitled to a pension of £5,916.03 a year.

Firstly, the pension would be assessed as for a spouse. Then it would be pro rated to reflect service after 5 April 1988.

Formula: spouse's pension x  $\frac{\text{pensionable service after 5.4.1988}}{\text{total pensionable service}}$

Civil partner's ordinary pension will be:

$$\begin{aligned} & \text{£5,916.03} \times \frac{20}{22 \frac{25}{365}} = \\ & \text{£5,916.03} \times \frac{20}{22.0685} = \\ & = \text{£5,361.52 a year} \end{aligned}$$

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The civil partner's ordinary pension above will be increased by Pensions Increase from the date at the end of the averaging period used for working out APP, i.e. normally from the day after the firefighter's last day of service. The civil partner's pension will continue to be increased in this way each year. See Annexe 10 for more information about Pensions Increase and how it is applied.

For the first 13 weeks following the firefighter's death, the civil partner's ordinary pension is increased to a rate which, together with any children's allowances, is not less than the firefighter's weekly pensionable pay – see Rule E8.

**RULE C1 ARCHIVED**  
**Spouse's or civil partner's ordinary pension**

**Rule C1 Extract**

**Death in service  
– option of  
reduced pension  
plus gratuity**

If you die in service, when comparisons have been made between the option of requisite benefit, flat rate benefit and half of your notional ill-health pension\*, the latter is most likely to produce the greater sum.

However, there is a further option available to the widow(er) or civil partner under Rule C1(3). Instead of receiving half of your notional ill-health pension\*, he/she can elect to take a reduced amount of that pension but with an additional payment of a lump sum gratuity.

Under Rule C1(4) the reduced pension is 75% of the pension otherwise payable.

Under Rule C1(5) the lump sum gratuity is the greater of –

- 6 times the amount of the reduced pension (i.e.  $6 \times 75\% \times 1/2 \times$  notional ill-health pension\*), or
- your average pensionable pay.

\* the notional ill-health pension is pro rated in the case of a civil partner

Your spouse or civil partner has three months after the date of death in which to elect for this option under Rule C1(3). Rule C1(6) gives the fire and rescue authority the discretion to extend this time limit.

If, before any election takes effect, your spouse or civil partner has received the full amount of pension, Rule C1(5) instructs the fire and rescue authority to recover the overpayment from the gratuity.

**Effect of part-time service**

If a widow(er) or civil partner chooses the option of taking a reduced pension plus gratuity, the average pensionable pay used in the assessment of the gratuity will be the actual (part-time) pensionable pay received by the firefighter during the averaging period.

## RULE C1 ARCHIVED

### Spouse's or civil partner's ordinary pension

**Example of assessment of spouse's ordinary pension**

#### Example A

*A firefighter dies in service at age 42, not as a result of a qualifying injury. At the date of death he had 22 years 25 days of service and his average pensionable pay (APP) was £22,800.*

Because the firefighter dies in service, his spouse will be entitled to half of the ill-health pension to which he would have been entitled had he retired on health grounds at the date of death. Or, if she wishes, she can elect to take a reduced amount of this ill-health pension but with the addition of a lump sum gratuity.

#### Assume spouse chooses full pension without gratuity

Formula: Because the firefighter had at least 13 years' service, the formula for the spouse's pension is -

$$\frac{1}{2} \times \left[ \frac{7}{60} + \frac{\text{service to 20 years}}{60} + \frac{2}{60} \times \frac{\text{service in excess of 20 years}}{60} \right] \times \text{APP}$$

i.e. the firefighter's ill-health pension is based on the ordinary/short service pension formula but with the addition of 7/60ths (see Rule B3). However, when applying this formula, care must be taken to ensure that the ill-health pension will not be more than the firefighter would have achieved at compulsory retirement age (assuming the same APP) or more than 40/60ths of APP. In this case, the addition of 7/60ths would not exceed the limits.

Spouse's ordinary pension will be:

$$\begin{aligned} \frac{1}{2} \times \left[ \frac{7}{60} + \frac{20}{60} + \frac{2}{60} \times \frac{2 \text{ 25/365}}{60} \right] \times £22,800.00 &= \frac{1}{2} \times \frac{31.1370}{60} \times £22,800.00 \\ &= £5,916.03 \text{ a year} \end{aligned}$$

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The spouse's ordinary pension above will be increased by Pensions Increase from the date at the end of the averaging period used for working out APP, i.e. normally from the day after the firefighter's last day of service. The spouse's pension will continue to be increased in this way each year. See Annexe 10 for more information about Pensions Increase and how it is applied.

For the first 13 weeks following the firefighter's death, the spouse's ordinary pension is increased to a rate which, together with any children's allowances, is not less than the firefighter's weekly pensionable pay – see Rule E8.

Details of the benefits payable if the spouse were to elect for the reduced pension plus gratuity are given on the next page . . .

**RULE C1 ARCHIVED**  
**Spouse's or civil partner's ordinary pension**

**Example of assessment of spouse's ordinary pension (continued)**

**Example A (continued)**

**Assume spouse chooses reduced pension with gratuity**

Formula: The reduced pension would be 75% of the full pension. In this case the formula would be -

$$75\% \times \frac{1}{2} \times \left[ \frac{7}{60} + \frac{\text{service to 20 years}}{60} + \frac{2 \times \text{service in excess of 20 years}}{60} \right] \times \text{APP}$$

As with the full pension, care must be taken to ensure that the ill-health pension assessed for the firefighter will not be more than he/she would have achieved at compulsory retirement age (assuming the same APP) or more than 40/60ths of APP.

In addition to the pension, the spouse will receive a lump sum gratuity which is the greater of the firefighter's APP or 6 times the reduced pension. In this case the formula would be -

the greater of

$$1 \times \text{APP}$$

or

$$6 \times 75\% \times \frac{1}{2} \times \left[ \frac{7}{60} \times \frac{\text{service to 20 years}}{60} + \frac{2 \times \text{service in excess of 20 years}}{60} \right] \times \text{APP}$$

Spouse's reduced ordinary pension will be:

$$75\% \times \frac{1}{2} \times \left[ \frac{7}{60} + \frac{20}{60} + \frac{2 \times 2.25/365}{60} \right] \times £22,800.00 = 75\% \times \frac{1}{2} \times \frac{31.1370}{60} \times £22,800.00$$

= £4,437.02 a year

Spouse's "ordinary pension gratuity" will be the greater of:

£22,800.00

or

$$6 \times 75\% \times \frac{1}{2} \times \left[ \frac{7}{60} + \frac{20}{60} + \frac{2 \times 2.25/365}{60} \right] = 6 \times 75\% \times \frac{1}{2} \times \frac{31.1370}{60} \times £22,800.00$$

= £26,622.14

therefore gratuity will be £26,622.14.

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The spouse's ordinary pension above will be increased by Pensions Increase from the date at the end of the averaging period used for working out APP, i.e. normally from the day after the firefighter's last day of service. The spouse's pension will continue to be increased in this way each year. See Annexe 10 for more information about Pensions Increase and how it is applied.

For the first 13 weeks following the firefighter's death, the spouse's ordinary pension is increased to a rate which, together with any children's allowances, is not less than the firefighter's weekly pensionable pay – see Rule E8.

More examples follow . . .

## RULE C1 ARCHIVED

### Spouse's or civil partner's ordinary pension

#### Example of assessment of spouse's ordinary pension (continued)

#### Example D

Assume the firefighter in Example A had worked part-time (half-time) throughout his 22 years 25 days of service. His average pensionable pay was £11,400.

Because the firefighter dies in service, his spouse will be entitled to half of the ill-health pension to which he would have been entitled had he retired on health grounds at the date of death. Or, if she wishes, she can elect to take a reduced amount of this ill-health pension but with the addition of a lump sum gratuity.

#### The whole-time ill-health pension would be:

$$\frac{7}{60} + \frac{20}{60} + \frac{2 \times 25/365}{60} \times £22,800.00 = £11,832.05$$

#### Adjustment by formula given in Schedule 2 Part VIA

$$\text{Formula: } \frac{A \times (B + C)}{D}$$

$$\begin{aligned} \text{where } A &= £11,832.05 \\ B &= 0 \\ C &= 11.0342 \\ D &= 22.0684 \end{aligned}$$

Firefighter's pension adjusted for part-time service would be:

$$£11,832.05 \times \frac{(0 + 11.0342)}{22.0684} = £5,916.03 \text{ a year}$$

#### Assume spouse chooses full pension without gratuity

$$\text{Formula: } 1/2 \times \text{firefighter's pension}$$

Spouse's ordinary pension will be:

$$\begin{aligned} 1/2 \times £5,916.03 \\ = £2,958.02 \text{ a year} \end{aligned}$$

#### Assume spouse chooses reduced pension with gratuity

Formula: The reduced pension would be 75% of the full pension:

$$\begin{aligned} 75\% \times £2,958.02 \\ = £2,218.52 \text{ a year} \end{aligned}$$

In addition the spouse will receive a lump sum gratuity which is the greater of the firefighter's average pensionable pay or 6 times the reduced pension, i.e. the greater of:

$$1 \times £11,400.00 \text{ or } 6 \times £2,218.52 = £13,311.12$$

therefore the gratuity will be £13,311.12

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The spouse's ordinary pension above will be increased by Pensions Increase from the date at the end of the averaging period used for working out APP, i.e. normally from the day after the firefighter's last day of service. The spouse's pension will continue to be increased in this way each year. See Annexe 10 for more information about Pensions Increase and how it is applied.

For the first 13 weeks following the firefighter's death, the spouse's ordinary pension is increased to a rate which, together with any children's allowances, is not less than the firefighter's weekly pensionable pay – see Rule E8.

## RULE C1 ARCHIVED

### Spouse's or civil partner's ordinary pension

**Example of assessment of surviving civil partner's ordinary pension**

#### Example A

Assume the firefighter in Example A on page C1-Example 1 died leaving a civil partner. His service after 5.4.1988 is 20 years. The widow in Example A on page C1 Example 1 would be entitled to a pension of £5,916.03 a year. The firefighter's average pensionable pay (APP) was £22,800.

Firstly, the pension would be assessed as for a spouse. Then it would be pro rated to reflect service after 5 April 1988. Having established the amount of pension due, the civil partner could elect to receive, instead, a reduced pension and gratuity

#### Assume civil partner chooses full pension without gratuity

Formula: spouse's pension x  $\frac{\text{pensionable service after 5.4.1988}}{\text{total pensionable service}}$

Civil partner's ordinary pension will be:

$$\begin{aligned} &£5,916.03 \times \frac{20}{22 \frac{25}{365}} = \\ &£5,916.03 \times \frac{20}{22.0685} = \\ &= £5,361.52 \text{ a year} \end{aligned}$$

#### Assume civil partner chooses reduced pension with gratuity

Formula: The reduced pension would be 75% of the civil partner's full ordinary pension.

In addition to the pension, the civil partner will receive a lump sum gratuity which is the greater of the firefighter's APP or 6 times the reduced pension

Civil partner's reduced ordinary pension will be:

$$\begin{aligned} &75\% \times £5,361.52 \\ &= £4,021.14 \text{ a year} \end{aligned}$$

Civil partner's "ordinary pension gratuity" will be the greater of:

$$\begin{aligned} &£22,800.00 \\ &\text{or} \\ &6 \times 75\% \times £5,361.52 \\ &= £24,126.84 \\ &\text{therefore gratuity will be } £22,800.00 \end{aligned}$$

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The civil partner's ordinary pension above will be increased by Pensions Increase from the date at the end of the averaging period used for working out APP, i.e. normally from the day after the firefighter's last day of service. The civil partner's pension will continue to be increased in this way each year. See Annexe 10 for more information about Pensions Increase and how it is applied.

For the first 13 weeks following the firefighter's death, the civil partner's ordinary pension is increased to a rate which, together with any children's allowances, is not less than the firefighter's weekly pensionable pay – see Rule E8.