## **CHAPTER 4**

## **SECTION 1**

## **GURKHA FAMILY PENSIONS**

### **BACKGROUND**

04001.

- a. Family Pensions have been revised to take into account changes in Service Pensions<sup>1</sup> brought into effect since 5 CPC and also to implement measures that the Indian Government have introduced that had not been previously applied to British Gurkhas<sup>2</sup>. These changes have been applied from 1 Apr 00 with an effective date of 1 Jan 96 unless otherwise stated. From 1 Apr 00 all Family Pensions will benefit from the revised rates of Service Pensions which have been brought in following the Ministerial examination<sup>3</sup> of Gurkha pensions.
- b. 6 CPC introduced a quantum of pension for those aged 80 or higher in the same manner as for Service Pensions. The only other change was for the dependants of GOR granted Hon Lt(QGO), and these changes are detailed below.
- c. There were no changes to family pension rules resulting from 7 CPC.

### **PENSION TYPES**

04002. The pension types detailed in this chapter apply to families of SSC(G), GCO, QGO and GOR. With effect from 1 Apr 00 the following pension types will be applicable for families of British Gurkhas:

- a. <u>Ordinary Family Pension (OFP)</u>. The OFP is payable to dependents following the death of a pensioner where death is neither attributable to nor aggravated by military service. It is also paid to the family of a serving officer or soldier following the end of a period of payment of the enhanced pension detailed below. In addition, it becomes payable to entitled dependents on the cessation of entitlement to another type of Family Pension.
- b. <u>Ordinary Family Pension At Enhanced Rates (OFP(ER))</u>. The OFP(ER) is payable to the dependants of an officer or soldier who dies in service and his death is neither attributable to nor aggravated by military service. The dependants will receive OFP(ER) for a period of 7 years following death or:
  - (1) For GOR until the date the soldier would have reached the normal maximum service point for his rank,
  - (2) For GCO and QGO until the date the officer would have reached the age of 45, (from 18 Mar 02 additional rules have been brought in for Maj(QGO), SSC(G) and RGO which are covered in full at Section 3),

whichever is the less, and then be awarded a normal OFP.

c. <u>Special Family Pension (SFP)</u>. The SFP is payable to dependants where:

<sup>&</sup>lt;sup>1</sup> IMOD Order No1(1)/99/D(Pen/Services) dated 7 Jun 99.

<sup>&</sup>lt;sup>2</sup> D/AG Sec/527/3 dated 30 Nov 99.

<sup>&</sup>lt;sup>3</sup> D/AG Sec/527/3 dated 23 Dec 99.

- (1) An officer or soldier dies in service, but not on operations or preparatory training for deployment on operations, and his death is attributable to or aggravated by military service.
- (2) A pensioner dies from the injury or disease for which he was receiving a disability element to his pension.
- d. <u>Liberalised Family Pensions (LFP)</u>. The LFP is payable to dependants of officers or soldiers who die whilst on operations, or for those who die during preparatory training for deployment on operations.

## **CHANGES EFFECTIVE 1 APR 00**

04003. The major changes to pensions effective from 1 Apr 00 are:

- a. Child and Education Allowances have been discontinued. For SFP provision has been made for a separate rate for widows with children.
- b. OFP(ER) formerly known as Enhanced Special Family Pension (ESFP) has been simplified and the option of 50% of pay has been removed.

04004. Full details of the 4 types of pension are laid down in sections later in this Chapter.

## ELIGIBLE DEPENDANT CHILDREN

04005. The age limit for dependant children has been reduced from age 25 to age 23 from 1 Apr 06 as a result of the UK 2004 Pensions Act, which applies because the GPS is administered in the UK. For all types of Family Pensions the following rules apply in determining the eligibility of children to qualify for pensionary benefits. Dependant children both natural and legally adopted, will be eligible if they are:

- a. Male children until the age of 23 or in full time employment whichever is sooner.
- b. Female children until the age of 23 or marriage whichever is sooner. A widowed or divorced daughter under 23 will be eligible unless she herself is the widow of a British Gurkha and receiving a Family Pension in her own right.
- c. Mentally or physically handicapped children who are incapable of self support, who are recorded as such before they reach the age of 23, will receive the pension for life once all other eligible children have ceased to be entitled by age or circumstances. Such cases should be submitted to the Medical Adviser for verification and recorded on the pensioners records. A certificate from a Medical Officer or civil doctor is to be produced every 3 years to show that they continue to suffer from the disorder or disability.<sup>2</sup>
- d. Recorded on the Kindred Roll.

### **DEPENDANT RELATIVES**

04006. Heirs to pension are detailed in the Will Form of a serving Gurkha, usually completed on enlistment, and they must be dependant relatives. It would be normal for the Will to refer to the

<sup>&</sup>lt;sup>1</sup> IMOD Order No1(6)/98/D(Pension/Services) dated 3 Feb 98.

<sup>&</sup>lt;sup>2</sup> IMOD No1(5)/87/D(Pensions/Services) dated 30 Oct 87.

Kindred Roll for the exact details of the precedence of heirs. Since the Will Form is destroyed on discharge for pensioners heir to pension is taken direct from the Kindred Roll. The proportion of the pension to be issued will depend on whether the actual heir has a first or a second life entitlement as defined below:

- a. First life award at full pension rates:
  - (1) Widow.
  - (2) Dependant children (sons then daughters).
  - (3) Parents (father then mother). Father must be over age of 50.
    - (a) If a parent is nominated as heir and there is a widow or dependant children, on the death or disqualification of the parent the widow or dependant children will be considered to be first life awardees.
    - (b) Where the pensioner or serviceman is a bachelor.
- b. Second life award at 50% of the pension in issue, but not less than the minimum rate of pension, for those financially dependent on the deceased pensioner or soldier. Prior to entitlement being established an AWO must satisfy himself that the applicant was genuinely financially dependent on the pensioner or soldier.
  - (1) Parents (father then mother). Father must be over age of 50.
  - (2) Dependant brothers and sisters who meet the criteria for status, age or incapacity that apply to eligible children in para 04005.
- c. The pension is an entitlement and will be paid at authorised rates regardless of the recipient's income from other means.

### MINIMUM RATE OF PENSION

04007. The minimum rate of pension as laid down in Chapter 1 applies to all Family Pension types. Where a split Family Pension is in issue the whole pension is subject to the minimum rate not the constituent parts.

## **RATES OF PENSION**

04008. All Family Pensions are based on the rate of Service Pension due for the rank of the deceased at the normal maximum service point irrespective of the actual length of service. Each type of Family Pension is expressed as a percentage of the Service Pension rate table. The rate of Family Pension for SSC(G) officers is dependant on their previous commission type of GCO or QGO and the rank held as a GCO or QGO. The rates of Family Pension for dependants of an Hon Lt(QGO) are based on the Lt(QGO) rate table at the 22 year point.

## **PURPOSE OF FAMILY PENSION**

04009. A Family Pension is intended to be a contribution to the support of all the eligible members of a family, irrespective of in whose name it stands. If the recipient refuses to contribute

proportionately towards the support of other eligible dependant family members the Family Pension may be split among the eligible heirs of the deceased pensioner or soldier<sup>1</sup>.

## **RANK FOR PENSION PURPOSES**

04010. The rank to be used for Family Pensions is to be:

- a. <u>Deceased Pensioners</u>. The rank for which a pensioner was drawing Service Pension shall be the rank for determining the appropriate Family Pension. Honorary rank also counts for pension purposes for Honorary GCO, including the new Honorary Maj and Capt, and Honorary QGO.
- b. <u>Deceased Servicemen</u>. The rank for pension purposes for deceased servicemen shall be the rank, substantive or acting, held on the date of death<sup>2</sup>.

### **PENSION INCREASES**

04011. All Family Pensions are based on the Service Pensions rate tables and as such will benefit from the annual pension increase.

#### **RE-MARRIAGE**

04012. The rules on re-marriage for the recipients of LFP and SFP have been relaxed to permit a Family Pension to be paid to a widow who re-marries irrespective of the relationship of the new husband to the deceased pensioner<sup>3</sup>. For each type of pension specific rules dictate the type of Family Pension to be paid.

### **NOTIFIABLE OCCURRENCES**

04013. All occurrences or changes in circumstances relating to the issue of Family Pensions, such as the death of pensioners or recipients of Family Pensions, are to be notified to Records Officer BG Pokhara. Any occurrences should be reported as quickly as possible making full use of the closest PPO or AWC which will inform the Records Officer accordingly.

## PENSION DISPUTES

04014. In the event of a dispute over a Family Pension the circumstances are to be reported to the closest PPO or AWC for the matter to be passed up to the relevant authority.

### **GRATUITIES**

04015. <u>Death Cum Retirement Gratuity (DCRG)</u>. The death element of a DCRG is payable to the dependants of a deceased serviceman, where death is not attributable to service, or pensioner where death is within 5 years of discharge/retirement according to the rules detailed at Chapter 10.

04016. <u>Death in Service Gratuity</u>. From 26 May 99 dependants of Gurkha service personnel who die in circumstances that are deemed to be attributable to service will be awarded a Death in Service Gratuity. This gratuity is designed to give parity with the award granted to dependants of British personnel who die in similar circumstances. The award is based on the rate of the Widows Attributable Gratuity published in the annual AFPS Pension Code. There are 2 rates payable

<sup>&</sup>lt;sup>1</sup> IA Pension Regulations 1961 para 228.

<sup>&</sup>lt;sup>2</sup> MOD letter D/F2(AD)/31/4/1Fc(1)(AD) dated 29 Jan 80.

<sup>&</sup>lt;sup>3</sup> GOI No1 (2)/97/I/D(Pen-C) dated 31 Jan 01.

depending on whether the deceased was married (or if not married had eligible dependant children), or was single. From 1 Apr 06 the basis of the award was changed, copying the change made by AFPS 75, to 3 times the annual rate of representative pay irrespective of marital status. Rates of the Death in Service Gratuity are promulgated annually in the pensions directed letter. The death element of the DCRG is not paid concurrently with this award.

## **MARRIAGE AFTER RETIREMENT**

04017. Eligibility for the grant of an OFP was extended to the widows of ex-Gurkha servicemen in cases where the marriage took place following the retirement or discharge of the serviceman. This ruling was introduced in 1994 based on GOI letter No 6(7)/87/D(Pens/Sers) dated 5 Apr 91. Retrospective claims were admissible back to 22 Sep 77.

## MULUKI AIN LAW CHANGE – POLYGAMY AND MARRIAGE AGE

04017A. The Civil Code of Nepal (Muluki Dewani Samhita) replaced the old Muluki Ain of 1853. Endorsed by parliament in Nepal in Aug 17 and effective from Aug 18, the new Civil Code is split into five separate laws. One of these law changes is to the Civil Code relating to marriage. This law change has made polygamy in all its forms forbidden and specified the minimum marriage age for men and women as 20. The impact on the GPS is as follows:

- a. **Polygamy.** With effect from 17 Aug 18 polygamy is a criminal offence under the law of Nepal, Muluki Dewani Samhita. A Gurkha pensioner is restricted from entering into a second marriage during the lifetime of his first wife or where the marital relationship is not terminated through divorce. For the purposes of Gurkha records and receipt of a Family Pension the GPS only recognises one legal widow (the first wife). The practice of Gurkha veterans registering multiple marriages on their Kindred Roll has therefore ceased from 17 Aug 18 for marriages that took place after this date and the Gurkha Record Office in British Gurkhas Pokhara will refuse such applications.
- b. **Marriage Age.** Gurkha veterans may not register a marriage from 17 Aug 18 that does not meet the legal minimum age requirement. The Gurkha Record Office in British Gurkhas Pokhara will refuse such applications.

04017B. Family Pensions for second and subsequent marriages registered on a Gurkha pensioner's Kindred Roll prior to 17 Aug 18 can continue to be divided equally between each widow and on their death may be passed on to the eligible surviving children in accordance with previous arrangements.

## START OF FAMILY PENSION ENTITLEMENT

04018. <u>Pensioners</u>. Entitlement to Family Pensions for dependants of Gurkha pensioners who die in retirement starts on the day after the death of the pensioner.

04019. <u>Serving Personnel</u>. Entitlement to Family Pensions for dependants of serving Gurkha personnel is governed by whether or not they are married and by the location of their families:

- a. Single personnel entitlement to Family Pension starts the day after death.
- b. Married personnel:
  - (1) Family resident at place of duty or in the UK at public expense, entitlement to Family Pension starts the day after the Short Term pension stops.

(2) Family resident in Nepal, not at place of duty, or outside Nepal at private expense, entitlement to Family Pension starts the day after death.

# **SHORT TERM PENSIONS**

04020.

- a. Short Term pensions have been introduced to replace the allowance that used to be paid to widows of personnel who died in service whilst they were awaiting repatriation to Nepal<sup>1</sup>. This allowance was equivalent to the rate of Universal Addition paid to the deceased officer or soldier and which represented over 95% of their gross basic pay. Following the introduction of UK rates of pay from 1 Apr 07, and the demise of Universal Addition, this allowance for widows has been formalised as part of the GPS as a Short Term pension.
- b. A Short Term pension equivalent to the rate of basic pay of the deceased, i.e. excluding specialist pay and allowances, is to be paid to the widow of a member of the GPS who is resident at the place of duty of her late husband, or in the UK at public expense if her husband had elected to serve unaccompanied outside the UK. The Short Term pension is to be paid for a period of up to 3 months, extended to 6 months if there are dependant children, starting on the day following death of the member. If the widow elects to return and reside in Nepal the Short Term pension is to cease 7 days after arrival in Kathmandu if still within the 3 or 6 month payment period. If she decides to reside in the UK and does not return to Nepal permanently the Short Term pension will cease after the maximum period of entitlement of 3 or 6 months as detailed above.

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<sup>&</sup>lt;sup>1</sup> D/SP Pol 1/28/5/5 dated 2 Jul 97 Amdt 21 – Dec 20

## **ORDINARY FAMILY PENSION (OFP)**

### **ELIGIBILITY**

04021. OFP is payable where:

- a. An officer or soldier dies in service from causes which are found to be neither attributable to nor aggravated by military service.
- b. A pensioner dies and death is neither attributable to nor aggravated by military service.
- c. A pensioner in receipt of a Disability Pension dies aged 65 or over.

### **EXISTING FAMILY PENSIONERS**

04022. From 1 Apr 86, the existing OFP Scheme, was extended to the widows/eligible family members of Gurkha pensioners who died/retired prior to 1 Jan 64. Further to that, the rule changes resulting from 5 CPC are to be applied to all existing OFP recipients from 1 Jan 96<sup>1</sup>.

## RATE OF ORDINARY FAMILY PENSION

04023. The OFP is to be a representative rate based on rank only, irrespective of the length of service of the officer or soldier. The rate of OFP will be 60% of the Service Pension rate at the normal maximum service point for each rank, but will not be less than the MROP.

### **RECIPIENT OF PENSION**

04024. The permitted recipients of OFP are:

- a. Widows.
  - (1) A widow until her death, including those widows of pensioners who married after retirement.
  - (2) Where a widow re-marries pension entitlement will be:

Widow with children who marries a real brother of her	Continues to support children after re-	OFP to widow
late husband	marriage	
	Does not support	OFP to the eligible
	children after re-	children
	marriage	
Widow with no children who		OFP to widow
marries a real brother of her		
late husband		
Widow with children who		OFP to children
marries a man other than a real		
brother of her late husband		

<sup>&</sup>lt;sup>1</sup> IMOD Order No1(1)/99/D(Pen/Services) dated 7 Jun 99.

Amdt 21 – Dec 20

Widow with no children who	Family Pension at first or
marries a man other than a real	second life award, as
brother of her late husband	appropriate, to qualifying
	dependant relative of
	deceased husband

- (3) Should there be more than one widow the OFP is divided equally between each widow and on their death may be passed on to eligible surviving children. If a widow in receipt of a divided Family Pension should die without heir her share is paid to the other recipient, or if there is more than one recipient, divided amongst them. The share basis should be the same as the shared pension already in issue.
- b. Eligible children as defined in para 04005.
- c. Dependant relatives as defined in para 04006.

04025. On the death of the final entitled recipient the pension will cease.

04026 – 04030. Reserved.

## ORDINARY FAMILY PENSION (ENHANCED RATES)(OFP(ER))

#### **BACKGROUND**

04031. Prior to 1 Apr 00 OFP(ER) was known as Enhanced Special Family Pension (ESFP). This title was deemed to be confusing since the rates for ESFP were not superior to SFP rates and the title that the Indian Army uses of OFP(ER) has been adopted instead. The rules for the calculation of OFP(ER) have been simplified with the pension based solely on Service Pension entitlement rather than having an option for 50% of last basic pay drawn. Since the pension is based on 50% of pay at the normal maximum service point dependants will be better off under the new rules. The new rates are applicable to all existing pensioners from 1 Jan 96.

## **ELIGIBILITY**

04032. OFP(ER) is payable in the following circumstances: The OFP(ER) is payable to the dependants of an officer or soldier who dies in service and his death is neither attributable to nor aggravated by military service. The dependants will receive OFP(ER) for a period of 7 years following death or:

- a. For GOR until the date the soldier would have reached the normal maximum service point for his rank,
- b. For GCO, Lt(QGO) and Capt(QGO) until the date the officer would have reached the age of 45,
- c. From 18 Mar 02 the following additional entitlements were authorised:
  - (1) For Maj(QGO) until the date the officer would have reached the age of 48,
  - (2) For SSC(G) commission type and rank held prior to attaining SSC(G) determine the age to be used. Those commissioned to SSC(G) from:
    - (a) GCO, until the date the officer would have reached the age of 50,
    - (b) Maj(QGO) until the date the officer would have reached the age of 48.
    - (c) Capt(QGO) and Lt(QGO) until the date the officer would have reached the age of 45,
  - (3) For RGO an OFP(ER) is paid up to the date that their RGO engagement would have been expected to end.

whichever is the less, and then be awarded a normal OFP.

### **RATE OF ORDINARY FAMILY PENSION**

04033. The OFP(ER) is to be a representative rate based on rank only, irrespective of the length of service of the soldier. The rate of OFP(ER) will be 100% of the Service Pension rate at the normal maximum service point for each rank.

## **RECIPIENT OF PENSION**

04034. The permitted recipients of OFP(ER) are:

- a. Widows.
  - (1) A widow until her death.
  - (2) Where a widow re-marries pension entitlement will be:

Widow with children who	Continues to support	OFP(ER) to widow
marries a real brother of her	children after	
late husband	remarriage	
	Does not support	OFP(ER) to the eligible
	children after	children
	remarriage	
Widow with no children who		OFP(ER) to widow
marries a real brother of her		
late husband		
Widow with children who		OFP(ER) to children
marries a man other than a real		
brother of her late husband		
Widow with no children who		Family Pension at first or
marries a man other than a real		second life award, as
brother of her late husband		appropriate, to qualifying
		dependant relative of
		deceased husband

- (3) Should there be more than one widow the OFP(ER) is divided equally between each widow and on their death may be passed on to eligible surviving children. If a widow in receipt of a divided Family Pension should die without heir her share is paid to the other recipient, or if there is more than one recipient, divided amongst them. The share basis should be the same as the shared pension already in issue.
- b. Eligible children as defined in para 04005.
- c. Dependant relatives as defined in para 04006.

04035. On the death of the final entitled recipient the pension will cease.

04036 - 04040. Reserved.

## **SPECIAL FAMILY PENSION (SFP)**

#### **BACKGROUND**

04041. SFP prior to 1 Apr 00 included child and education allowances in addition to the basic SFP award. The Indian Army had originally paid these elements separately but when they consolidated them with the basic pension award BG pensions did not do so. The opportunity to re-align pensionary awards has now been taken with the new rates applicable to all existing pensioners from 1 Jan 96. The changes to SFP as a result of 5 CPC were restricted to a unification of the rates payable, which were backdated to 1 Jan 96.

## **ELIGIBILITY**

04042. SFP are payable to dependants where:

- a. An officer or soldier dies in service and his death is attributable to or aggravated by military service.
- b. A pensioner dies before the age of 65 from the injury or disease for which he was receiving a disability element to his pension.

## **RATES OF SFP**

04043. The SFP is to be a representative rate based on rank only, irrespective of the length of service of the officer or soldier. The rates of SFP prior to 1 Jan 96 were according to circumstances:

- a. Widow with eligible dependant children 120% of the Service Pension rate at the normal maximum service point for each rank.
- b. Widow with no eligible dependant children 100% of the Service Pension rate at the normal maximum service point for each rank.

However, from 1 Jan 96 a single rate based on 120% of the Service Pension rate at the normal maximum service point for each rank is paid irrespective of the number of children.

## **RECIPIENT OF PENSION**

04044. The permitted recipients of SFP are:

- a. Widows.
  - (1) A widow until her death, including those widows of pensioners who married after retirement.
  - (2) A widow who re-marries will still be entitled to a Family Pension according to the following conditions:
    - (a) First life award to widow:

Widow with children	Continues to support	SFP to widow.
	children after remarriage	
	Does not support	OFP to the widow.
	children after remarriage	50% of SFP to the eligible
	_	children.
Widow with no children		SFP to widow.

## (b) First life award to parents:

Widow with children	Continues to support children after remarriage	50% of SFP to the widow. 50% of SFP to the parents. Note 1.
	Does not support children after remarriage but children are supported by parents	OFP to the widow. SFP to the parents. Note 2.
	Neither widow nor parents support children	OFP to widow. 50% of SFP to the parents. Note 2. 50% of SFP to the eligible children.
Widow with no children		50% of SFP to the widow. 50% of SFP to the parents. Note 1.

#### Notes:

- 1. On death or disqualification of the parents and the widow supports the children, or has no children, full SFP to the widow.
- 2. On death or disqualification of the parents and the widow does not support the children full SFP to the eligible children, OFP to the widow.
- (3) Should there be more than one widow the SFP is divided equally between each widow and on their death may be passed on to eligible surviving children. If either widow has an eligible child the SFP at the 120% rate is to be used. If a widow in receipt of a divided SFP should die without heir her share is paid to the other recipient, or if there is more than one recipient, divided amongst them. The share basis should be the same as the shared pension already in issue.
- b. Eligible children as defined in para 04005 who are to get the childless mother rate<sup>5</sup>.
- c. Dependant relatives as defined in para 04006.
- 04045. On the death of the final entitled recipient the pension will cease.

## **AUTHORISATION/MEDICAL EVIDENCE**

04046. All potential claims for SFP are to be treated as follows:

a. <u>Disability Pensioners</u>. If a doctor considers that the cause of death of a pensioner in receipt of a Disability Pension was the injury or disease for which he was receiving the

Disability Pension the case is to be referred to the scheme medical adviser for confirmation. The medical adviser will then inform the scheme administrators if an SFP is appropriate.

b. <u>Serving Personnel</u>. For serving personnel the decision as to whether the cause of death is attributable to or aggravated by military service is made by the scheme managers. Copies of the AF B2090 Death Report, MOD Form 298 Report on Injuries of Immediate Death Resulting from other than Natural Causes and reports from Coroners Inquests or Boards of Inquiry are to be used to determine if an SFP is admissible.

04047. Pending receipt of an authority to issue an SFP the pension administrator is to initiate a Family Pension immediately so as to ensure funding for dependants. To prevent an over issue the type of Family Pension is to be the minimum otherwise admissible:

- a. <u>Disability Pensioners</u>. The dependants of Disability Pensioners are to be awarded an OFP.
- b. <u>Serving Personnel</u>. The dependants of serving personnel are to be awarded an OFP(ER) if there is no entitlement to a Short Term pension under Para 04020.

04048. If the pensioner is over 65 years of age, the death is deemed to be from natural causes, and the issue of SFP is not admissible.

## **CESSATION OF PENSION**

04049. The payment of Family Pension is to cease when the recipient dies or is disqualified, and there is no other eligible heir.

04050. Reserved.

## **LIBERALISED FAMILY PENSION (LFP)**

#### **GENERAL**

04051. The LFP was introduced for British Gurkhas with effect from 26 May 99 when the Indian Government broadened the eligibility criteria. The LFP has been applied on the NPPS/FENAS from 1 Apr 00 with an effective date for eligibility of 26 May 99.

#### **ELIGIBILITY**

04052. The LFP is payable to dependants of officers or soldiers who die whilst on operations, or for those who die during preparatory training for deployment on operations. The qualifying period for training for operations is limited to the date the unit was officially warned for operational deployment or a date 6 months prior to deployment whichever occurs last. The end of the period of operations is when the individual returns to the permanent duty station. Travel to and from R and R counts for LFP but the actual periods spent on R and R outside the operational theatre during operations do not.

#### **EXISTING FAMILY PENSIONERS**

04053. The introduction of LFP is not retrospective beyond the start date of the pension type. Widows or dependants of personnel who died in qualifying circumstances on or after 26 May 99 will have the difference between their previous pension award and the LFP entitlement paid as arrears following the changes to NPPS effective from 1 Apr 00.

#### RATE OF LIBERALISED FAMILY PENSION

04054. The LFP is to be a representative rate based on rank only, irrespective of the length of service of the officer or soldier. The rate of LFP will be 200% of the Service Pension rate at the normal maximum service point for each rank.

#### **RECIPIENT OF PENSION**

04055. The permitted recipients of LFP are:

- a. Widows.
  - (1) A widow until her death.
  - (2) A widow who re-marries will still be entitled to a Family Pension according to the following conditions:
    - (a) First life award to widow:

Widow with children	Continues to support	LFP to widow
	children after remarriage	
	Does not support children	30% of LFP to the widow
	after remarriage	60% of LFP to the eligible
		children
Widow with no children		LFP to widow

## (b) First life award to parents:

Widow with children	Continues to support	60% of LFP to the widow.
	children after remarriage	Note 1.
	eminarem urter remaininge	60% of LFP to the parents.
		Note 2.
	Does not support children	OFP to the widow.
	after remarriage but	LFP to the parents. Notes 3
	children are supported by	and 5.
	parents	
	Neither widow nor parents	OFP to widow.
	support children	50% of LFP to parents.
		Notes 4 and 5.
		50% of LFP to children.
Widow with no children		60% of LFP to the widow.
		Note 1.
		60% of LFP to the parents.
		Note 2.

#### Notes:

- 1. On death or disqualification of the parents LFP to the widow for life.
- 2. If the remarriage occurs within 7 years of the death of the serviceman the parents pension rate is 60% of an LFP until 7 years after the date of death. After 7 years from the date of death of the serviceman the pension reduces to 30% of an LFP. If the remarriage is more than 7 years after the date of death of the serviceman the widow is entitled to 60% of an LFP and the parents entitlement is 30% of an LFP.
- 3. If the remarriage occurs within 7 years of the death of the serviceman the parents pension rate is a full LFP until 7 years after the date of death of the serviceman when it reduces to 60% of an LFP. If the remarriage is more than 7 years after the date of death of the serviceman the parents entitlement is 60% of an LFP.
- 4. If the remarriage occurs within 7 years of the death of the serviceman the children and parents share the LFP until 7 years after the date of death of the serviceman. After 7 years from the date of death of the serviceman the rate of pension reduces to 60% of an LFP which is shared between the children who receive 30% of an LFP and the parents who receive 30% of an LFP. If the remarriage is more than 7 years after the date of death of the serviceman the children and parents share the pension entitlement of 60% of an LFP with the children receiving 30% of an LFP and the parents receiving 30% of an LFP.
- 5. On death or disqualification of the parents 60% of an LFP to the children.
- (3) Should there be more than one widow the LFP is divided equally between each widow and on their death may be passed on to eligible surviving children. If a widow in receipt of a divided family pension should die without heir her share is paid to the other recipient, or if there is more than one recipient, divided amongst them. The share basis should be the same as the shared pension already in issue.
- b. Eligible children as defined in para 04005.
- c. Dependant relatives as defined in para 04006.
- 04056. On the death of the final entitled recipient the pension will cease.