

SCHEDULE 3

Regulation 10

POLICE OFFICER'S INJURY AWARD

1. A gratuity under regulation 10 shall be calculated by reference to the person's degree of disablement and his average pensionable pay and shall be—

- (a) in the case of a police officer all of whose service by virtue of which his pensionable service is reckonable was full-time, the amount specified as appropriate to his degree of disablement in column (2) of the Table in paragraph 3, and
- (b) in the case of a police officer any of whose service by virtue of which his pensionable service is reckonable was part-time, the amount given by the formula—

$\frac{GR}{R}$

where—

G is the amount that the gratuity would be if all the service were full-time service,

R is the period in years of his pensionable service, and

Q is the period that would be the period in years of his pensionable service if periods of part-time service were reckonable as if they were periods of full-time service.

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2. If in a case where any of the police officer's service by virtue of which his pensionable service is reckonable was part-time service, the amount of the gratuity calculated in accordance with paragraph 1 would be less than it would have been if the person had become entitled to receive the gratuity at an earlier date, then that amount shall be substituted for it.

3. An injury pension shall be calculated by reference to the person's degree of disablement, his average pensionable pay and the period in years of his pensionable service, and, subject to the following paragraphs, shall be—

- (a) in the case of a police officer all of whose service by virtue of which his pensionable service is reckonable was full-time, of the amount of his minimum income guarantee specified as appropriate to his degree of disablement in column (3), (4), (5) or (6) of the following Table, and
- (b) in the case of a police officer any of whose service by virtue of which his pensionable service is reckonable was part-time, of the amount given by the formula—

$\frac{MR}{R}$

where—

M is the amount that his minimum income guarantee would be if all the service were full-time service and R and Q are the same as in paragraph 1;

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<i>Degree of disablement</i>	<i>Gratuity expressed as % of average pensionable pay</i>	<i>Minimum income guarantee expressed as % of average pensionable pay</i>			
(1)	(2)	(3)	(4)	(5)	(6)
25% or less (slight disablement)	12.5%	15%	30%	45%	60%
More than 25% but not more than 50% (minor disablement)	25%	40%	50%	60%	70%
More than 50% but not more than 75% (major disablement)	37.5%	65%	70%	75%	80%
More than 75% (very severe disablement)	50%	85%	85%	85%	85%

4. If in a case where any of the police officer's service by virtue of which his pensionable service is reckonable was part-time service, the amount of the pension calculated in accordance with paragraph 3 would be less than it would have been if the person had become entitled to receive the pension at an earlier date, then that amount shall be substituted for it.

5. In paragraphs 2, 3 and 4, references to a person's pensionable service shall in the case of a police officer who has made an election under regulation G4(1) of the 1988 Regulations be construed as references to the service which would have been reckonable by him if he had not made such an election.

6.—(1) The amount of an injury pension, calculated as aforesaid, shall be reduced, where the person concerned received the relevant injury (within the meaning of regulation 10) during a period of service as a police officer, by three-quarters of any other pension calculated by reference to Schedule B to the 1988 Regulations.

(2) For the purposes of sub-paragraph (1), such other pension as is there mentioned which is reduced—

- (a) in accordance with the provisions of regulation B7 or B9 (commutation and allocation) of the 1988 Regulations;

(b) in accordance with the provisions of Part VIII of Schedule B (reduction related to up-rating of widow's pension) to the 1988 Regulations; or

(c) by virtue of a pension debit,

shall be deemed not to have been so reduced.

(3) In the case of a police officer who has made an election under regulation G4(1) of the 1988 Regulations, sub-paragraph (1) shall have effect as if for the reference to three-quarters of any other pension calculated by reference to pensionable service reckonable by reason of that period of service there were substituted a reference to the amount of any other pension which would have been so calculated had he not made such an election.

7.—(1) The amount of the injury pension in respect of any week, calculated as aforesaid, shall be reduced on account of any such additional benefit as is mentioned in sub-paragraph (3) to which the person concerned is entitled in respect of the same week and, subject to sub-paragraph (2), the said reduction shall be of an amount equal to that of the additional benefit or, in the case of a benefit mentioned in sub-paragraph (3)(a) or (b), of so much thereof as is there mentioned.

(2) Where the provisions governing scales of additional benefits have changed after the person concerned ceased to be a police officer, the amount of the reduction in respect of any week on account of a particular benefit shall not exceed the amount which would have been the amount thereof in respect of that week had those provisions not changed, it being assumed, in the case of such benefit as is mentioned in sub-paragraph (3)(a)(ii), that it would have borne the same relationship to the former maximum amount thereof.

(3) The following benefits are the additional benefits referred to in this paragraph—

(a) any industrial injuries benefit under section 94 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹⁾ in respect of the relevant injury or so much of any such pension as relates to that injury (referred to in this sub-paragraph as the relevant part of the pension), together with—

(i) any increase in such pension by way of unemployability supplement under Part 1 of Schedule 7 to that Act or so much of any such increase as is proportionate to the relevant part of that pension so, however, that where the person concerned is entitled to an unemployability supplement which is increased under Part 1 of the said Schedule, the unemployability supplement shall be deemed not to have been so increased,

(ii) any increase in such pension under section 94 of that Act (reduced earnings allowance) or so much of any such increase as is proportionate to the relevant part of that pension, and

(iii) so long as the person concerned is receiving treatment as an in-patient at a hospital as a result of the relevant injury, any increase in such pension under Part 3 of Schedule 7 to that Act (hospital treatments);

(b) any reduced earnings allowance under section 94 of that Act in respect of the relevant injury or so much of any such allowance as relates to that injury;

(c) until the first day after his retirement which is not, or is deemed not to be, a day of incapacity for work within the meaning of section 30A, or, as the case may be, a day on which he is incapable of work within the meaning of sections 68 and 69, of that Act—

(i) any incapacity benefit under section 30A of that Act,

(ii) any severe disablement allowance under sections 68 and 69, including, in each case, any increase under any provision of Part 4 of that Act (dependants).

(1) 1992 c.7

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(4) Where a person has become entitled to a disablement gratuity under Part 2 of Schedule 7 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 in respect of the relevant injury, this paragraph shall have effect as if he were entitled during the relevant period to a disablement pension of such amount as would be produced by converting the gratuity into an annuity for the said period.

In this sub-paragraph the expression “the relevant period” means the period taken into account, in accordance with section 94 of that Act, for the purpose of making the assessment by reference to which the gratuity became payable.

8. No payment shall be made in respect of an injury pension for any week in which the aggregate reductions under paragraphs 6 and 7 exceed the amount of the pension calculated in accordance with paragraph 3.

9. In a case where—

- (a) a former police officer was in part-time service before the date on which the Police Service of Northern Ireland Pensions (Amendment) Regulations 2006⁽²⁾ came into operation, and
- (b) the amount of his award calculated in accordance with this Schedule would be less than it would have been if those Regulations had not been made,

then the award shall be of that amount instead.

(2) [S.R. 2006 No. 123](#); the Regulations came into operation on 1st April 2006