

## SCHEDULE 1

Regulation 2(a)

### GLOSSARY OF EXPRESSIONS

In these Regulations, unless the context otherwise requires, the following expressions shall be construed as follows —

“the 1988 Regulations” means the Royal Ulster Constabulary Pensions Regulations 1988;

“the 2000 Act” means the Police (Northern Ireland) Act 2000<sup>(1)</sup>;

“aggregate pension contributions”, for the purpose of calculating an award, has the meaning assigned to it by regulation 3(4);

“average pensionable pay” has the meaning assigned to it by regulation 3(2);

“the Board” means the Northern Ireland Policing Board as established by section 2 of the 2000 Act;

“child” means (without regard to age) legitimate or illegitimate child, step-child or adopted child and any other child who is substantially dependent on the police officer concerned and either is related to him or is the child of his spouse or civil partner; and “parent” shall be construed accordingly;

“disablement” and cognate expressions have the meanings assigned to them by regulation 6;

“husband” includes wife;

“infirmary” has the meaning assigned to it by regulation 6;

“injury” includes any injury or disease, whether of body or of mind;

“injury received in the execution of duty” has the meaning assigned to it by regulation 5 and “the result of an injury” shall be construed in accordance with regulation 7;

“medical referee” has the meaning assigned to it by regulation H2(3) of the 1988 Regulations;

“Northern Ireland Criminal Injuries Compensation Scheme” means the scheme referred to in Article 3 of the Criminal Injuries Compensation (Northern Ireland) Order 2002<sup>(2)</sup>.

“pensionable pay” has the meaning assigned to it by regulation 3(1);

“the Pensions (Increase) Acts” means the Pensions (Increase) Act 1971<sup>(3)</sup> and the Pensions (Increase) Act 1974<sup>(4)</sup>;

“police officer” means a person who is:

- (a) a constable of the Police Service of Northern Ireland as defined in section 1(2) of the 2000 Act; or
- (b) a Police Service of Northern Ireland trainee as defined in section 36(3) of the 2000 Act;

“public holiday” means—

- (a) New Year’s Day, St Patrick’s Day, first Monday in May and last Monday in May, 12th July, last Monday in August, Christmas Day and 26th December; and
- (b) (in addition) in any year where New Year’s Day, Christmas Day or 26th December falls on a Saturday or Sunday, any substitute day;

“the Scheme actuary” means the actuary for the time being appointed by the Secretary of State to provide a consulting service on actuarial matters relevant to these Regulations;

“step-child” includes a person who is the child of the civil partner of the police officer concerned, but is not the child of that police officer;

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(1) 2000 c.32  
(2) S.I. 2002/796 (N.I.1)  
(3) 1971 c.56  
(4) 1974 c.9

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“widow” includes widower;

“wife” includes husband.

## SCHEDULE 2

### Regulation 9(1)

## PART 1

### AMENDMENTS OF THE 1988 REGULATIONS

1. In regulation A7 (persons treated as being in receipt of a pension)—
  - (a) for the words “, ill-health or as the case may be, injury” there are substituted the words “or as the case may be, ill-health”; and
  - (b) paragraph (c) is omitted.
2. In regulation B5(2)(b) (member’s deferred pension) there are inserted at the end the words “or to an award under regulation 10 of the Injury Benefit Regulations”.
3. In regulation B6(1)(b) (award by way of repayment of aggregate pension contributions) after the words “this Part” there are inserted the words “or to an award under regulation 10 of the Injury Benefit Regulations”.
4. In regulation B7(8)(b) (commutation - general provision) after the words “injury pension” there are inserted the words “under regulation 10 of the Injury Benefit Regulations”.
5. In regulation B8 (commutation – small pensions) —
  - (a) in paragraph (1) after the words “together with” there are inserted the words “any injury pension to which he is entitled under regulation 10 of the Injury Benefit Regulations,”; and
  - (b) in paragraph (3) after the words “one pension” there are inserted the words “(including an injury pension under regulation 10 of the Injury Benefit Regulations)”.
6. In regulation C1(1)(b) (widow’s ordinary pension) for the words “and an injury pension” there are substituted the words “pension under regulation B3 and an injury pension under regulation 10 of the Injury Benefit Regulations”.
7. In regulation C5(2) (limitation on award to widow) the words “, C2” are omitted.
8. In regulation C6 (widow’s requisite benefit and temporary pension)—
  - (a) in paragraph (1) for the words “,C2(1) or C4(1)” there are substituted the words “ or C4(1) or not entitled to an adult survivor’s special award under regulation 12 of the Injury Benefit Regulations”;
  - (b) in paragraph (2) after the words “an injury pension” there are inserted the words “under regulation 10 of the Injury Benefit Regulations”; and
  - (c) in paragraph (4)(b) for the words following the words “such a pension” there are substituted the words “under regulation 10 of the Injury Benefit Regulations but for his entitlement to additional benefit within the meaning of paragraph 7(3) of Schedule 3 to those Regulations and, where he is, or is so treated as being, in receipt of such a pension, the provisions of paragraph 7(3) shall be disregarded in determining the weekly amount of that pension.”.
9. In regulation C7(1) (widow’s award where no other award payable)—

- (a) the words “,C2” are omitted; and
  - (b) after the word “applies” there are inserted the words “and who has no entitlement to a adult survivor’s special award under regulation 12 of the Injury Benefit Regulations”.
10. In regulation D1(b) (child’s ordinary allowance) for the words “ill-health and an injury pension” there are substituted the words “ill-health pension under regulation B3 and an injury pension under regulation 10 of the Injury Benefit Regulations”.
11. In regulation D5 (child’s allowance - limitations)—
- (a) in paragraph (1) the words “or gratuity” and “and “a special gratuity”” are omitted;
  - (b) paragraph (7) is omitted;
  - (c) in paragraph (8) for the words “,(5) and (7)” there are substituted the words “and (5)”; and
  - (d) in paragraph (9) the words “or special gratuity” are omitted.
12. In regulation E3 (gratuity - estate)—
- (a) in paragraph (2)(a) after the words “injury pension” there are inserted the words “under regulation 10 of the Injury Benefit Regulations”;
  - (b) in paragraph (2)(c) after the word “including” there are inserted the words “any such pension or allowance granted under the Injury Benefit Regulations and”; and
  - (c) in paragraph (2)(d) there are inserted at the end the words “(including any such gratuity granted under the Injury Benefit Regulations)”.
13. In regulation E4(6) (gratuity in lieu of widow’s pension) the words “or special” in both places where they appear are omitted.
14. In regulation E7 (prevention of duplication)—
- (a) in paragraph (1)(a) after the words “Part C” there are inserted the words “of these Regulations or under regulation 12 of the Injury Benefit Regulations”, and
  - (b) in paragraph (1)(b) for the words “or an adult dependent relative’s pension under regulation E1” there are substituted the words “or a child’s special allowance under regulation 16 of the Injury Benefit Regulations or an adult dependent relative’s special pension under regulation 19 of the said Regulations”.
15. In regulation E8 (increase of widow’s pension or child’s allowance during first 13 weeks)—
- (a) in paragraph (1) the word “, special” in both places where it appears is omitted;
  - (b) in paragraph (2)(i) for the words from “paragraph 4” to “member’s” there are substituted “paragraph 7(3) of Schedule 3 to the Injury Benefit Regulations (police officer’s”;
  - (c) in paragraph (2)(ii) after the words “injury pension” there are inserted the words “under regulation 10 of the Injury Benefit Regulations”.
16. In regulation G1(5)(a) (pensionable and average pensionable pay) the words from “regulation B4” to “augmented award)” and the words from “D2” to “special pension)” are omitted.
17. In regulation H1(2) (reference of medical questions), the words from “and, if they are further considering” onwards are omitted.
18. In regulation J1(guaranteed minimum pension)—
- (a) in paragraph (2)(b) after the words “Part B” there are inserted the words “or an injury pension under regulation 10 of the Injury Benefit Regulations”;
  - (b) in paragraph (2)(c)(ii) after the words “Part B” there are inserted the words “or an injury pension under regulation 10 of the Injury Benefit Regulations” and after the words

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- “regulation K4” there are inserted the words “ or, as the case may be, regulation 37 of the Injury Benefit Regulations”;
- (c) in paragraph (3) after the words “Part B” in the first place where they appear there are inserted the words “or an injury pension under regulation 10 of the Injury Benefit Regulations”;
  - (d) in paragraph (3)(a) the words “other than an injury pension” are omitted and for the words “and some other” there are substituted the words “under regulation 10 of the Injury Benefit Regulations and a”;
  - (e) in paragraph (3)(b) the words “, in the case of a pension other than an injury pension,” are omitted;
  - (f) in paragraph (4)(a) after the words “Part C” there are inserted the words “or an adult survivor’s special award under regulation 12 of the Injury Benefit Regulations”;
  - (g) in paragraph (4A)(a) the words from “under regulation E1(3)” to “regulation E1(1)(c) or” are omitted and after the words “Part C” there are inserted the words “or under regulation 19 of the Injury Benefit Regulations (adult dependent relative’s special pension) by virtue of paragraph (1)(c) of the said regulation”;
  - (h) in paragraph (5) after the words “Part C” in the first place where they appear there are inserted the words “or a special pension under regulation 12 of the Injury Benefit Regulations” and after the words “Part C” in the second place where they appear there are inserted the words “or such a special pension as aforesaid”;
  - (i) in paragraph (5A) for the words “E1(3) by virtue of regulation E1(1)(c)” there are substituted the words “19 of the Injury Benefit Regulations by virtue of paragraph (1)(c) of that regulation”; and
  - (j) in paragraph (6)(c) the words “or under regulation E1” are omitted.
19. In regulation K1(cancellation of pensions)—
- (a) at the heading the words “and injury” are omitted; and
  - (b) in paragraph (4) the letter “(a)” which precedes sub-paragraph (a), the word “and” which follows that sub-paragraph and sub-paragraph (b) are omitted.
20. In regulation K3 (reduction of pension in case of default) the words “or injury” are omitted.
21. In regulation K4(1)(withdrawal of pension during service as a policeman) the words “or under regulation E1 (adult dependent relative’s special pension)” are omitted.
22. In regulation K5(1) (forfeiture of pension) the words “or under regulation E1 (adult dependent relative’s special pension)” are omitted.
23. In regulation L2 (payment and duration of awards)—
- (a) paragraph (1)(b) is omitted;
  - (b) in paragraph (2)(ii) the words “other than an injury gratuity under regulation B4” are omitted;
  - (c) paragraph (3)(d) is omitted.
24. In Schedule A (glossary of expressions) there is inserted at the appropriate place the following definition—
- “the Injury Benefit Regulations” means the Police Service of Northern Ireland (Injury Benefit) Regulations 2006”.
25. In paragraph 1(2)(b) of Part I of Schedule C (widow’s ordinary pension) for the words “ill-health and an injury pension” there are inserted the words “an ill-health pension under Part B and an injury pension under regulation 10 of the Injury Benefit Regulations”.

26. In paragraph 1 of Part IV of Schedule C (widow's pension in case of post-retirement marriage)
- (a) for the words "or special award under regulation C1 or C2" there are substituted the words "under regulation C1", and
- (b) sub-paragraph (c) and the word "and" immediately preceding it are omitted.
27. In paragraph 1 of Part I of Schedule D (child's ordinary allowance)—
- (a) in sub-paragraph (4) for the words "ill-health or injury pension" there are substituted the words "or ill-health pension or an injury pension under regulation 10 of the Injury Benefit Regulations"; and
- (b) in sub-paragraph (5) after the words "ill-health pension" there are inserted the words "under Part B" and after the words "injury pension" there are inserted the words "under regulation 10 of the Injury Benefit Regulations".
28. In paragraph 3(1)(b) of Part I of Schedule D (child's ordinary allowance) for the words "ill-health and an injury pension" there are inserted the words "an ill-health pension under Part B and an injury pension under regulation 10 of the Injury Benefit Regulations".
29. In paragraph 6(1C)(j) of Part IV of Schedule J (pensionable service), the words "and injury" are omitted.
30. In paragraph 4(4) of Part VI of Schedule J (pensionable pay and contributions etc.), paragraphs (a), (b), (f), (i) and (j) are omitted.
- Regulation 9(2)

## PART 2

### REVOCATIONS

<i>Title</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Royal Ulster Constabulary Pensions Regulations 1988	<a href="#">S.R. 1988 No. 374</a>	Regulation A10 In regulation A11(2), the words "Subject to paragraph (3)" Regulation A12 Regulation B4 Regulation C2 Regulation C3 Regulation D2 Regulation D3 Regulation E1 Regulation K2 In Schedule A, the definitions of the expressions "injury", "injury received in the execution of duty" and "the result of an injury"

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<i>Title</i>	<i>Reference</i>	<i>Extent of revocation</i>
		Part V of Schedule B
		Part II of Schedule C
		Part II of Schedule D
		Part I of Schedule E
		In Schedule J, paragraphs 5 and 6 of Part I, paragraph 6 of Part II and paragraph 1 of Part VII
The Royal Ulster Constabulary (Injury Benefit) Regulations 1988	<a href="#">S.R. 1988 No. 376</a>	The whole regulations
The Police Service of Northern Ireland Pensions (Amendment) Regulations 2006	<a href="#">S.R. 2006 No.123</a>	Paragraph 6 of Schedule 1

### 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—

$$\frac{GR}{Q}$$

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.

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.

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.

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.

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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—

$$\frac{MR}{Q}$$

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;

<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>			
		Less than 5 years' service	5 or more but less than 15 years' service	15 or more but less than 25 years' service.	25 or more years' service.
(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.

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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<sup>(5)</sup> 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,

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(5) 1992 c.7



- (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).

(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<sup>(6)</sup> 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.

#### SCHEDULE 4

Regulation 18

##### REDUCTION IN CHILD’S SPECIAL ALLOWANCE DURING FULL-TIME REMUNERATED TRAINING ETC

1.—(1) In this Schedule—

“relevant child” means, subject to sub-paragraph (2), a child entitled to a special allowance who is—

- (a) in full-time training for a trade, profession or calling, and
- (b) in receipt of remuneration in respect of that training at an annual rate in excess of the specified rate;

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

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“specified rate” means a sum equivalent to the annual rate (rounded up to the nearest £1) of the applicable amount of personal allowance payable to a single claimant aged not less than 18 but less than 25 years, as specified in the Income Support (General) Regulations (Northern Ireland) 1987<sup>(7)</sup> as uprated from time to time in accordance with an order under section 132(1) of the Social Security Administration (Northern Ireland) Act 1992<sup>(8)</sup>;

“excess remuneration” means the annual amount by which the annual rate of the relevant child’s remuneration exceeds the specified rate;

“relevant provision” means regulation 16(4) or regulation 16(6).

(2) A child shall not be a relevant child for the purposes of this Schedule if and in so far as his allowance falls to be increased in accordance with regulation 27 (increase during first 13 weeks).

2. In the case of any relevant child—

- (a) if the annual amount of the special allowance is greater than the amount of his excess remuneration, it shall be reduced by the amount of that excess remuneration, or
- (b) if the amount of that excess remuneration is equal to or greater than the annual amount of the allowance which, but for this sub-paragraph, would be payable to him, the allowance shall not be payable.

3.—(1) Where as well as any relevant child there are other children to whom special allowances are payable in respect of the death of the same person and either of the relevant provisions applies, the special allowances payable to those other children (“the other special allowances”) shall be increased as provided in this paragraph.

(2) If paragraph 2(a) applies in the case of any relevant child, then, without prejudice to sub-paragraph (3), the annual amount of each of the other special allowances shall be increased by an amount equal to his excess remuneration divided by the number of other special allowances.

(3) If paragraph 2(b) applies in the case of any relevant child, then, without prejudice to sub-paragraph (2), each of the other special allowances shall be recalculated as if the relevant child were not entitled to a special allowance.

(4) Notwithstanding the provisions of sub-paragraphs (2) and (3), no child shall by virtue of these provisions receive a special allowance greater than that to which he would be entitled if no relevant provision applied in his case.

## SCHEDULE 5

Regulation 19

### DEPENDENT RELATIVE’S SPECIAL PENSION

1. Subject to paragraphs 2, 3 and 4, a dependent relative’s special pension shall be of a weekly amount equal to 45% of the average pensionable pay for a week of the member in respect of whose death it was granted (“the deceased”).

2. In respect of any week in respect of which there are payable in respect of the deceased’s death both—

- (a) a widow’s special pension or, where the deceased was a married woman or a woman in a civil partnership, a dependent relative’s special pension granted to her widower or surviving civil partner, and

<sup>(7)</sup> S.R. 1987 No. 459

<sup>(8)</sup> 1992 c.8

- (b) a dependent relative's special pension other than, where the deceased was a married woman or a woman in a civil partnership, one granted as aforesaid,

the dependent relative's special pension mentioned in sub-paragraph (b) shall not be of the amount mentioned in paragraph 1 but, subject to paragraphs 3 and 4, of an amount equal to 20% of the deceased's average pensionable pay for a week.

3. The amount of a dependent relative's special pension determined in accordance with paragraph 1 or 2 shall be increased in accordance with regulation 28 (increase by reference to the Pensions (Increase) Acts).

4.—(1) Where in respect of any week the aggregate amount of—

- (a) any widow's special pension, and
- (b) any child's special allowance,

payable in respect of the deceased's death equals or exceeds the amount of the deceased's average pensionable pay for a week, no dependent relative's special pension shall be payable in respect of that week.

(2) Where in respect of any week the aggregate amount of—

- (a) any widow's special pension,
- (b) any child's special allowance, and
- (c) any dependent relative's special pension,

payable in respect of the deceased's death would exceed the amount of the deceased's average pensionable pay for a week, the dependent relative's pension shall be reduced by such factor as will ensure that that aggregate does not exceed that amount.

(3) For the purposes of this paragraph any increase in a pension or allowance in accordance with regulation 28 (increase by reference to the Pensions (Increase) Acts) shall be ignored.

## SCHEDULE 6

Regulation 30

### MEDICAL APPEALS

1. Every notice of appeal under regulation 30(1) and statement of grounds under regulation 30(2) shall be in writing.

2. On receiving a notice of appeal against a report and certificate issued under regulation 29 and the appellant's statement of grounds for appeal, the Board, unless regulation 31(2) applies, shall forward to the Secretary of State two copies of those documents and all other documents determined as necessary by the Secretary of State.

3.—(1) The independent medical referee shall appoint a time and place for hearing the appeal, at which he may interview or examine the appellant, and for any such further hearings as he may consider necessary and shall give reasonable notice thereof to the appellant and Board.

(2) The Board and the appellant shall, before the date appointed for the hearing inform the Secretary of State whether they intend to be represented at the hearing.

4.—(1) Where either party to the appeal intends to submit written evidence or a written statement at a hearing arranged under paragraph 3 that party shall submit it to the Secretary of State and the other party before the date appointed for the hearing.

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(2) The independent medical referee may postpone or adjourn the date appointed for the hearing where it appears necessary to do so for the proper determination of the appeal.

5.—(1) Any hearing (including any examination) may be attended by—

(a) the selected medical practitioner; and

(b) a duly qualified medical practitioner appointed for the purpose by the appellant,

although they may only observe any examination.

(2) If the selected medical practitioner does not attend any examination then a duly qualified medical practitioner appointed for that purpose by the Board may attend the examination as an observer.

(3) If any hearing includes an examination then only medical practitioners may be present for that part of the hearing.

6. The independent medical referee shall supply the Secretary of State with a written statement of his decision. Where the independent medical referee disagrees with any part of the selected medical practitioner's report, the independent medical referee shall supply a revised report and certificate, which shall be final.

7.—(1) There shall be paid to the independent medical referee—

(a) such fees as are determined in accordance with arrangements made by the Secretary of State; or

(b) where no such arrangements have been made, such fees and allowances as the Secretary of State may from time to time determine.

(2) Any fees and allowances payable to the independent medical referee under sub-paragraph (1) shall, subject to paragraph 8(5), be paid by the Board and shall be treated as part of the expenses of the Board for the purposes of this Schedule.

8.—(1) Save as provided in this paragraph, the expenses of each party to the appeal shall be borne by that party.

(2) Where a hearing has been cancelled, adjourned or postponed at the request of, or due to the actions or omissions of, the Board less than 11 days before the hearing (excluding weekends and public holidays) the independent medical referee shall require the Board to pay to the appellant any expenses actually and reasonably incurred by him in respect of attending or arranging to attend the cancelled, adjourned or postponed hearing as the case may be.

(3) Where the independent medical referee determines that a hearing has been cancelled, adjourned or postponed at the request of, or due to the actions or omissions of, the appellant, less than 11 days before the hearing (excluding weekends and public holidays) the Board may, subject to sub-paragraph (4), require the appellant to pay towards the cost of the cancellation, adjournment or postponement as the case may be, such sum not exceeding the total costs of the cancellation, adjournment or postponement as the case may be as the Board thinks fit.

(4) If the independent medical referee, after taking account of any representations from either party, decides that the cancellation, adjournment or postponement as the case may be was not due to any fault on the part of the appellant and the appellant should not pay towards the cost of the cancellation, adjournment or postponement as the case may be, he shall state that this is the case and the Board shall not require the payment of any such costs.

(5) Where the independent medical referee decides in favour of the Board and reports that in his opinion the appeal was frivolous or vexatious, the Board may, subject to sub-paragraph (6), require the appellant to pay towards the cost of the appeal such sum not exceeding the independent medical referee's total fees and allowances as the Board thinks fit.

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(6) If the independent medical referee, after taking account of any representations from either party, decides there are exceptional reasons why the appellant should not pay towards the cost of the appeal, it shall state that this is the case and the Board shall not require the payment of any such costs.

(7) Where the independent medical referee decides in favour of the appellant, the Board shall refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of attending any such hearing as is mentioned in paragraph 3.