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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 79**

**THE POLICE PENSION (NORTHERN  
IRELAND) REGULATIONS 2009**

**PART 4**

**PENSION AWARDS**

*Survivors' pensions*

**Calculation of child survivors' pensions**

**39.**—(1) Subject to regulations 30(5) and 34(6), a child survivor's pension shall be calculated in accordance with this regulation.

(2) A child survivor's pension shall be an annual amount equivalent to half of the pension which would be payable to any adult survivor as calculated in accordance with regulation 38(2) or (3), as the case may require, and regulation 38(5) subject to paragraph (3) below.

(3) Where three or more child survivors' pensions are for the time being payable in respect of the death of the same person, the pension payable to each child survivor shall be an annual amount equal to the pension which would be payable to an adult survivor as so calculated divided by the total number of child survivors' pensions so payable.

(4) Where a pension debit member dies, leaving a child survivor, the reduction in his rights under these Regulations by virtue of article 28 of the 1999 Order is disregarded for the purposes of calculating any child survivor's award payable to that child under these regulations.

(5) In a case where a child survivor is—

- (a) in full-time training for a trade, profession or calling or is employed; and
- (b) is in receipt of remuneration in respect of that training or employment,

his child survivor's pension shall be withdrawn or reduced in accordance with paragraph (6).

(6) In the case of a child survivor to whom paragraph (5) applies—

- (a) if the annual amount of his child survivor's pension is greater than the amount of his excess remuneration (within the meaning of paragraph (9)), his pension 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 child survivor's pension which, but for this sub-paragraph, would be payable to him, a child survivor's pension shall not be payable.

(7) A child survivor's pension shall be payable—

- (a) in a case where the child survivor was, in the opinion of the Board, at the time of the police officer's death dependent on him by reason of permanent disablement, for life;

(b) in a case where the child is in full-time education on a course of at least one year’s duration, until he ceases to be in full-time education or attains the age of 23 years, whichever first occurs;

(c) in any other case, until the child survivor attains the age of 19 years.

(8) A child survivor’s pension, calculated in accordance with this regulation, shall be increased in accordance with regulation 47.

(9) In this regulation—

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

“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>(1)</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>(2)</sup>.

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(1) S.R. (N.I.) 1987 No.459

(2) 1992 c.8