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STATUTORY INSTRUMENTS

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**1987 No. 257**

**The Police Pensions Regulations 1987**

**Part D**

**Children's Awards**

**Child's allowance or special gratuity—limitations**

**D5.**—(1) A child's allowance or gratuity under any of the preceding provisions of this Part ("an allowance" and "a special gratuity") shall not be granted—

- (a) to a child born on or after the relevant date specified in paragraph (2) otherwise than of a marriage which took place before the relevant date;
  - (b) by reason of his being a step-child, to the child of a spouse whose marriage to the relevant parent took place on or after the relevant date;
  - (c) by reason of his being substantially dependent on the relevant parent, to a child who was not so dependent before the relevant date;
  - (d) by reason of his being an adopted child, to a child adopted on or after the relevant date;
  - (e) except in the case of a legitimate or adopted child of the relevant parent, to a child who was not substantially dependent on that parent at the time of his death.
- (2) For the purposes of paragraph (1) the relevant date—
- (a) in the case of an ordinary or accrued allowance, is the date on which the relevant parent last ceased to be a regular policeman;
  - (b) in the case of a special allowance or a special gratuity—
    - (i) if the relevant parent received the injury while serving as a regular policeman, is the date on which he last ceased to be a regular policeman,
    - (ii) if he received the injury while called up for service as an auxiliary policeman, is the date of the end of the continuous period of active service during which he received the injury,
    - (iii) if he received the injury while serving as a member of an overseas corps otherwise than as a regular policeman, is the date of the end of the tour of overseas service during which he received the injury.

(3) In the case of a child who has attained the age of 16 years but not that of 17 years, an allowance shall not be payable in respect of any period for which he is in full-time employment unless that employment constitutes full-time training, of at least a year's duration, for a trade, profession or calling.

(4) In the case of a child who has attained the age of 17 years but not that of 19 years, an allowance shall only be payable in respect of a period throughout which he satisfies one of the conditions set out in paragraph (8).

(5) Without prejudice to paragraph (1), in the case of a child who has attained the age of 19 years, an allowance shall not be payable (and, where he attained that age before the date of the relevant parent's death, shall not be granted) unless—

- (a) he satisfies one of the conditions set out in paragraph (8), and
- (b) in the case of condition (a), also satisfied that condition immediately before he attained the age of 19 years and throughout the entire period thereafter,

except that the payment (or granting) of an allowance shall not be precluded by reason only of subparagraph (b) if the police authority, having regard to all the circumstances of the case, in their discretion so decide.

(6) Without prejudice to paragraphs (3), (4) and (5), in the case of a child entitled to an allowance who is—

- (a) in full-time training for a trade, profession or calling, and
- (b) in receipt of remuneration in respect thereof,

and in the case of any other child entitled to an allowance in respect of the death of the same person, Part IV of Schedule D shall have effect in relation to their allowances.

(7) A special gratuity shall not be granted to a child who attained the age of 17 years before the date of the relevant parent's death unless at that date he satisfied one of the conditions set out in paragraph (8) (disregarding conditions (b)(ii) and (iii)).

(8) The conditions referred to in paragraphs (4), (5) and (7) are that the child—

- (a) is or was undergoing full-time education or in full-time training of at least a year's duration for a trade, profession or calling, or
- (b) is or was permanently disabled and either—
  - (i) was both so disabled and substantially dependent on the relevant parent at the time of his death,
  - (ii) became so disabled while in receipt of an allowance, or
  - (iii) the police authority, having regard to all the circumstances of the case, in their discretion decide to pay (or grant) an allowance to him.

(9) Any reference in this Regulation to the relevant parent is a reference to the parent in respect of whose death the allowance or special gratuity is or, but for the provisions thereof, would be payable.

(10) This Regulation has effect subject to paragraph 5 of Part III of Schedule J.