

## SCHEDULE J

### Special Cases—Exceptions and Modifications

#### Part II

#### Widows' Awards

##### *Widow's ordinary pension*

##### **Widow whose husband retired before 1st April 1987**

1.—(1) This paragraph shall apply in the case of the widow of a regular policeman who retired before 1st April 1987.

(2) In the case of such a widow, Regulation C1(1) shall have effect as if the words “except that” to the end were omitted.

##### **Application of paragraphs 3, 4 and 5**

2. Paragraphs 3, 4 and 5 shall only apply in the case of a widow whose husband either was serving as a regular policeman or was entitled to a pension other than a deferred pension—

- (a) on 1st April 1973, or
- (b) at the date of his death where that date was before 1st July 1973.

##### **Pre-1972 pensionable service not up-rated**

3.—(1) This paragraph shall apply in the case of such a widow as is mentioned in paragraph 2 where—

- (a) her husband last before 1st April 1972 paid pension contributions at a rate related to 5% of his pensionable pay, and
- (b) neither he nor the widow exercised any right of election accorded by Regulation 58(2), 59(2), 60(2) or 61(2) of the Regulations of 1973,

and, in such a case Part I of Schedule C (“Part I”) shall have effect as if for sub-paragraphs (1), (2) and (3) of paragraph 1 thereof there were substituted the like provision as is made by the following sub-paragraph.

(2) Where this paragraph applies the annual amount of the widow's ordinary pension shall, subject to paragraphs 2 and 3 of Part I, equal a half of the amount specified in paragraph 5(1) of this Part:

Provided that the amount payable in respect of any week on account of the pension shall not be less than it would have been either—

- (a) had the weekly amount thereof fallen to be calculated as provided in Scheme II of Part II of Schedule 3 to the Police Pensions Regulations 1971(1), or
- (b) had the annual amount thereof fallen to be calculated in accordance with Part V of Schedule C in like manner as a widow's requisite benefit pension.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Pre-1972 pensionable service up-rated to third but not to half rate**

4.—(1) This paragraph shall apply in the case of such a widow as is mentioned in paragraph 2 where—

- (a) paragraph 3 does not apply, and
- (b) neither her husband nor the widow exercised any right of election accorded by Regulation 58(3), 59(3), 60(3), or 61(3) of the Regulations of 1973,

and, in such a case, Part I of Schedule C (“Part I”) shall have effect as if for sub-paragraph (1) of paragraph 1 thereof there were substituted the like provision as is made by the following sub-paragraph.

(2) Where this paragraph applies, the annual amount of the widow’s ordinary pension shall, subject to paragraphs 2 and 3 of Part I, be the aggregate of—

- (a) an amount equal to a third of the annual amount of the pension or notional pension mentioned in sub-paragraph (2) of paragraph 1 of Part I, and
- (b) a sixth of the amount specified in paragraph 5(1) of this Part,

except that, where the husband died otherwise than while in receipt of an ordinary or short service pension and the said aggregate is less than a half of the amount specified in paragraph 5(2) of this Part, the annual amount of the widow’s ordinary pension shall equal a half of the amount so specified:

Provided that the annual amount of the widow’s ordinary pension shall not be less than it would have been had it fallen to be calculated in accordance with Part V of Schedule C in like manner as a widow’s requisite benefit pension.

**Specified amounts for purposes of paragraphs 3 and 4**

5.—(1) The references in paragraphs 3(2) and 4(2) to the amount specified in this sub-paragraph are references to the amount which is, subject to sub-paragraph (3) of this paragraph, the difference between the two following amounts, namely—

- (a) an amount which is the aggregate of—
  - (i) an amount equal to a sixtieth of the husband’s average pensionable pay multiplied by the period in years of his pensionable service up to 20 years, and
  - (ii) an amount equal to 2 sixtieths of that pay multiplied by the period in years by which his pensionable service exceeds 20 years;
- (b) an amount calculated as aforesaid but by reference only to the husband’s pre-1972 pensionable service.

(2) The reference in paragraph 4(2) to the amount specified in this sub-paragraph is a reference to the annual amount of the pension or notional pension mentioned in sub-paragraph (2) of paragraph 1 of Part I of Schedule C calculated in accordance with sub-paragraph (3) thereof but, subject to sub-paragraph (3) of this paragraph—

- (a) where the husband’s weighted relevant pensionable service does not exceed 20 years, by reference thereto;
- (b) where that service exceeds 20 years, by reference to his relevant pensionable service with the addition of a half of his pre-1972 pensionable service,

instead of by reference to his pensionable service.

(3) Where the husband’s pensionable service exceeds 30 years there shall be reduced by that excess—

- (a) his pensionable service taken into account for the purposes of sub-paragraph (1)(a);

- (b) his pre-1972 pensionable service taken into account for the purposes of sub-paragraph (1) (b);
  - (c) his pre-1972 pensionable service taken into account for the purposes of sub-paragraph (2) (b) (otherwise than for the purpose of determining his relevant pensionable service).
- (4) Subject to sub-paragraph (5), in this paragraph—

“pre-1972 pensionable service” means the period of pensionable service in years reckonable by the husband—

- (a) otherwise than by reason of service as a member of a police force or of the Royal Ulster Constabulary on or after 1st April 1972;
- (b) otherwise than by virtue of—
  - (i) Regulation F3(1)(f) (*British Airports Authority constabulary service*),
  - (ii) Regulation F4, F5 or F7 (*previous service and preserved interchange arrangements*) where the conditions specified in the Regulation in question were satisfied on or after 1st April 1973,
  - (iii) Regulation F6 (current interchange arrangements), or
  - (iv) section 10 of the Police Pensions Act 1921(2), and
- (c) other than pensionable service reckonable by him immediately before 1st April 1973, which was reckonable otherwise than as mentioned in sub-paragraph (a) above and did not exceed a year;

“relevant pensionable service” means the period in years of the husband’s pensionable service reduced by his pre-1972 pensionable service;

“weighted relevant pensionable service” means the husband’s relevant pensionable service, so much of such service as exceeds his relevant number of years (if any) being counted twice and, for the purposes hereof, “relevant number of years” means the period in years by which his pre-1972 pensionable service falls short of 20 years.

(5) Where the husband ceased to serve as a regular policeman before 24th January 1975 (without prejudice to the provisions of paragraphs 1, 2 and 3 of Part IV of this Schedule), sub-paragraph (4) shall have effect as if for the definitions therein of “relevant pensionable service” and “weighted relevant pensionable service” there were substituted the following definitions:—

“relevant pensionable service” means the period in years of the husband’s pensionable service reduced by his completed years of pre-1972 pensionable service;

“weighted relevant pensionable service” means the husband’s completed years of relevant pensionable service up to the relevant number of years with the addition of a year for each completed half-year by which his relevant pensionable service exceeds the relevant number of years and, for the purposes hereof, “relevant number of years” means the period in years by which his completed years of pre-1972 pensionable service fall short of 20 years.

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(2) 1921 c. 31.