

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.

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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);

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- (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.

Widow’s special gratuity

Widow whose husband died before 25th November 1982

6.—(1) This paragraph shall apply in the case of a widow of a member of a police force who died while serving as such before 25th November 1982.

(2) In the case of such a widow, Regulation C2(2)(b) shall have effect as if the words “together with” to the end were omitted.

(2) 1921 c. 31.

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Widow's accrued pension

Application of paragraph 8 and service for the purposes thereof

- 7.—(1) Paragraph 8 shall apply in the case of the widow of a regular policeman—
- (a) who was not entitled to his deferred pension in pursuance of paragraph 8(6)(b) of Part I of this Schedule, and
 - (b) in relation to whom any of the conditions specified in the first column of either Table B or C are satisfied.

(2) The husband's half-rate and mixed-rate service for the purposes of paragraph 8 shall depend upon the conditions specified in the first column of Table A, B or C which are satisfied in relation to him and shall be the aggregate of the periods of pensionable service specified opposite the conditions which are so satisfied—

- (a) in the case of half-rate service, in the second column of the Table in question, and
- (b) in the case of mixed-rate service, in the third column thereof,

so, however, that where a period of pensionable service falls within more than one of the entries in Table A it shall not be taken into account more than once.

- (3) The following Tables are those referred to in sub-paragraphs (1) and (2):—

Table A:

Service Counting Fully as both Half-Rate and Mixed-Rate Service

Condition	Half-rate service	Mixed-rate service
(a) (a) If the husband has pensionable service reckonable by reason of police service on or after 1st April 1972.	That pensionable service	That pensionable service
(b) (b) If he has pensionable service reckonable by virtue of Regulation F6 (<i>current interchange arrangements</i>).	That pensionable service	That pensionable service
(c) (c) If he has pensionable service reckonable by virtue of section 10 of the Police Pensions Act 1921.	That pensionable service	That pensionable service
(d) (d) If he has pensionable service reckonable by virtue of Regulation I7(1) and the proviso to Regulation I8(1) by reason of a period of relevant service	That pensionable service	That pensionable service

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Condition	Half-rate service	Mixed-rate service
in the armed forces on or after 1st April 1956.		
(e) (e) If he has pensionable service which, immediately before 1st April 1973, was reckonable by him otherwise than by reason of police service on or after 1st April 1972 and was for a period of less than a complete year.	That pensionable service	That pensionable service
(f) (f) If he has pensionable service reckonable by virtue of Regulation F3(1)(f) (<i>British Airports Authority constabulary service</i>) otherwise, where he has been granted a back service credit, than by reason of that credit (subject, however, to subparagraph (5) below).	That pensionable service	That pensionable service
(g) (g) If he has pensionable service reckonable by virtue of Regulation F3(1)(f) by reason that he had been granted a back service credit and he had elected as mentioned in Regulation 61A(2)(a) of the Regulations of 1973 to make a special payment by way of a lump sum (subject, however, to subparagraphs (5) and (6) below).	That pensionable service	That pensionable service

Table B:

Service Counting in Part as both Half-Rate and Mixed-Rate Service

Condition	Half-rate service	Mixed-rate service
(a) (a) If the husband has pensionable service reckonable by virtue of	The proportion specified in subparagraph (7) below of that pensionable service.	The proportion specified in subparagraph (7) below of that pensionable service.

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Condition	Half-rate service	Mixed-rate service
Regulation F3(1)(f) by reason that he had been granted a back service credit and he had elected as mentioned in Regulation 61A(2) (b) of the Regulations of 1973 to pay special contributions (subject, however, to subparagraphs (5) and (6) below).		
(b) (b) If he has pensionable service reckonable by virtue of Regulation F3(1)(f) by reason that he had been granted a back service credit and his deferred pension fell to be reduced as mentioned in paragraph 3 of Part VI of this Schedule (subject, however, to subparagraph (5) below).	The proportion specified in subparagraph (8) below of that pensionable service.	The proportion specified in subparagraph (8) below of that pensionable service.

Table C:

Service Counting Fully or in Part either as Half-Rate or as Mixed-Rate Service

Condition	Half-rate service	Mixed-rate service
(a) (a) If the husband has pensionable service reckonable by reason of police service in respect of which he paid pension contributions at a rate related to 6.25% of his pensionable pay.	—	That pensionable service.
(b) (b) If he has pensionable service not mentioned in the first column of Table A which, immediately before 1st April 1973, was reckonable by him and he had elected as mentioned in Regulation 59(3)(a) of the Regulations of	That pensionable service.	—

Condition	Half-rate service	Mixed-rate service
1973 to make a further payment by way of a lump sum.		
(c) (c) If he has such pensionable service as aforesaid and he had elected as mentioned in Regulation 59(2)(a) of the Regulations of 1973 to make an additional payment by way of a lump sum.	—	That pensionable service.
(d) (d) If he has such pensionable service as aforesaid, he had elected as mentioned in Regulation 58(3) of the Regulations of 1973 and, immediately before he retired, was paying further contributions in pursuance of that election.	The proportion specified in sub-paragraph (9) below of that pensionable service.	—
(e) (e) If he has such pensionable service as aforesaid, he had elected as mentioned in Regulation 57 and 58(2) of the Regulations of 1973 and, immediately before he retired, was paying additional contributions in pursuance of that election.	—	The proportion specified in sub-paragraph (9) below of the period of pensionable service by reference to which the rate of payment of additional contributions was determined (including any fraction of a year disregarded for that purpose).
(f) (f) If he has such pensionable service as aforesaid and his deferred pension fell to be reduced as mentioned in paragraph 3 of Part VIII of Schedule B.	The proportion mentioned in sub-paragraph (8) below of the period of pensionable service by reference to which that reduction was determined (including any fraction of a year disregarded for that purpose).	—
(g) (g) If he has such service as aforesaid and his deferred pension fell to be reduced as mentioned in paragraph 2 of Part VIII of Schedule B.	—	The proportion specified in sub-paragraph (8) below of the period of pensionable service by reference to which that reduction was determined (including any fraction of a year disregarded for that purpose).

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(4) In this paragraph (including the Tables)—

- (a) any reference to police service is a reference to service as a member of a police force or of the Royal Ulster Constabulary;
- (b) the expressions “Airports Scheme” and “Scheme deduction” have the same meanings as in Regulation 61A of the Regulations of 1973 and the proviso to paragraph (3) of that Regulation shall have effect for the purposes of sub-paragraph (5) as it has effect for the purposes of the said paragraph (3), and
- (c) any reference to a person having been granted a back service credit is a reference to his having been granted such a credit, within the meaning of the Airports Scheme, before his transfer from the British Airports Authority constabulary.

(5) Where, for the purposes of the Airports Scheme, any payments were made by, or on behalf of, the husband for securing family benefits thereunder in respect of a back service credit, entries (f) and (g) in Table A and the entries in Table B shall have effect as though, by virtue of Regulation F3(1)(f), there were reckonable by him, by reason of the back service credit, only that part of the pensionable service so reckonable which bears the same proportion to the whole as the Scheme deduction in his case bears to what BAA plc certifies it would have been if the payments first mentioned in this sub-paragraph had not been made so, however, that, where the Scheme deduction is zero, entry (f) in Table A shall have effect as though the husband had no back service credit.

(6) Without prejudice to sub-paragraph (5), where the husband satisfies the conditions specified in both entry (g) in Table A and entry (a) in Table B, the references in those entries to his pensionable service reckonable by virtue of Regulation F3(1)(f) by reason of a back service credit shall be construed—

- (a) in the case of entry (g) in Table A, as a reference to that part of that service which bears the same proportion to the whole as the lump sum payment under Regulation 61A of the Regulations of 1973 bears to the Scheme deduction;
- (b) in the case of entry (a) in Table B, as a reference to the other part of that service.

(7) The proportion referred to in entry (a) in Table B shall be the proportion which the period for which the husband paid special contributions under Regulation 61A of the Regulations of 1973 bore to the period from the date of his transfer from the British Airports Authority constabulary until the date mentioned in paragraph (4)(a) or (b) of that Regulation.

(8) The proportion referred to in entry (b) in Table B and in entries (f) and (g) in Table C shall be the proportion which the husband’s actual police service—

- (a) on or after his transfer from the British Airports constabulary, in the case of entry (b) in Table B,
- (b) on or after 1st April 1972, in the case entry (f) in Table C, or
- (c) on or after 1st April 1956, in the case of entry (g) in Table C,

bears to the period of such service as he would have had if (irrespective of the date of his death) he had continued to serve until entitled to an immediately payable ordinary pension or until he could be required to retire on account of age, whichever is the earlier, each period being reckoned in completed years and completed months:

Provided that where on ceasing to serve as a regular policeman he had already served as aforesaid, the said proportion shall be the whole.

(9) The proportion referred to in entries (d) and (e) in Table C shall be the proportion which the period for which the husband paid further contributions or, as the case may be, additional contributions, bore to the period by which the pensionable service he was entitled to reckon on the relevant date fell short of 25 years or, where that period is less than 5 years, to a period of 5 years, each period being reckoned in completed years and completed months. In this sub-paragraph “the relevant date” means—

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- (a) where the husband last served as a regular policeman before 6th April 1978, the date on which he made the election referred to in the entry in question;
- (b) in any other case, the date from which the further contributions or, as the case may be, additional contributions were payable in pursuance of the election referred to in the entry in question.

Husband's pensionable service not fully up-rated

8.—(1) In the case of such a widow as is mentioned in paragraph 7(1), Part III of Schedule C shall have effect as if paragraph 1(1) thereof provided that the annual amount of her accrued pension should equal the aggregate of the following amounts namely—

- (a) in respect of her husband's half-rate service, a sixth of the corresponding proportion of his deferred pension;
- (b) in respect of his mixed-rate service, a third of the corresponding proportion of his deferred pension.

(2) For the purposes of sub-paragraph (1) "the corresponding proportion", in relation to the husband's deferred pension, means the proportion which his half-rate or, as the case may be, his mixed-rate service bears to the pensionable service reckonable by him.

(3) Unless the husband ceased to serve as a regular policeman before 1st April 1987 where—

- (a) the husband's half-rate service;
- (b) his mixed-rate service, or
- (c) the pensionable service reckonable by him,

exceeds 30 years, then, for the purposes of this paragraph, the period by which, in each case, it exceeds 30 years shall be disregarded.

Gratuity in lieu of widow's pension

Widow whose husband ceased to serve before 1st April 1987

9.—(1) This paragraph shall apply in the case of a widow of a member of a police force who ceased to serve before 1st April 1987.

(2) In the case of such a widow, Regulation E4 shall have effect as if paragraph (6) thereof were omitted.

Widow's pension in case of post-retirement marriage

Widow whose husband ceased to serve before 1st April 1987

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

(2) Where such a widow is entitled to a pension under Regulation C5(3), Regulation E8 shall apply in relation to that pension as if, in paragraph (1) thereof, the words "and, for the purposes" to the end were omitted.