
STATUTORY INSTRUMENTS

2006 No. 932

The Police (Injury Benefit) Regulations 2006

PART 2

AWARDS ON INJURY OR DEATH

Child's special allowance or special gratuity - limitations

19.—(1) A child's special allowance or special gratuity under regulation 17 or 18 shall not be granted—

- (a) to a child born on or after the relevant date specified in paragraph (3) otherwise than of a marriage which took place or of a civil partnership that was formed before the relevant date;
 - (b) by reason of his being a step-child,—
 - (i) to the child of a spouse whose marriage to the relevant parent took place on or after the relevant date, or
 - (ii) to the child of a civil partner whose civil partnership with the relevant parent was formed 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) The reference in paragraph (1)(a) to a child born of a civil partnership means a child—
- (a) who is a child of a member of a civil partnership and has been adopted by the other member of that civil partnership; or
 - (b) who has been adopted by two persons who have formed a civil partnership.
- (3) For the purposes of paragraph (1) the relevant date—
- (a) if the relevant parent received the injury while serving as a regular police officer, is the date on which he last ceased to be a regular police officer, and
 - (b) if he received the injury while serving as a member of an overseas corps otherwise than as a regular policeman or while engaged on a period of relevant service, is the date of the end of the tour of overseas service or the period of relevant service during which he received the injury.

(4) In the case of a child who has attained the age of 16 years but not that of 17 years, a special 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.

(5) In the case of a child who has attained the age of 17 years but not that of 19 years, a special allowance shall only be payable in respect of a period throughout which he satisfies one of the conditions set out in paragraph (9).

(6) Without prejudice to paragraph (1), in the case of a child who has attained the age of 19 years, a special 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 (9), 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 a special allowance shall not be precluded by reason only of sub-paragraph (b) if the police authority, having regard to all the circumstances of the case, in their discretion so decide :

Provided that a special allowance shall not be payable after the date on which the child attains the age of 23 years unless he satisfies the conditions mentioned in paragraph (9)(b).

(7) Without prejudice to paragraphs (4), (5) and (6), in the case of 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 such training,

and in the case of any other child entitled to a special allowance in respect of the death of the same person, Schedule 4 shall have effect in relation to their allowances.

(8) 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 (9) (disregarding conditions (b)(ii) and (iii)).

(9) The conditions referred to in paragraphs (5), (6) and (8) 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 a special allowance, or
 - (iii) the police authority, having regard to all the circumstances of the case, in their discretion decide to pay (or grant) a special allowance to him.

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