

SCHEDULE D

Children's Awards

Regulation D1

Part I

Child's Ordinary Allowance

1.—(1) Where one of the child's parents is alive, the child's ordinary allowance in respect of the death of a regular policeman ("the relevant parent") shall, subject to paragraphs 4 and 5, be determined in accordance with this paragraph.

(2) Subject to sub-paragraphs (3) and (4), an allowance determined in accordance herewith shall be of an annual amount equal to 18.75% of the amount of the relevant parent's pension or notional pension mentioned in paragraph 3.

(3) Subject to sub-paragraph (4), where 3 or more children's allowances are for the time being payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 37.5% of the relevant parent's pension or notional pension mentioned in paragraph 3 divided by the total number of allowances so payable.

(4) Where in respect of any week the aggregate rate at which—

- (a) any widow's ordinary pension, and
- (b) any children's allowances determined in accordance herewith,

would be payable in respect of a person who died while entitled to an ordinary, short service, ill-health or injury pension ("the principal pension") exceeds the rate at which the principal pension was payable immediately before that person's death, the children's allowances shall be reduced by such factor as will ensure that the said aggregate rate does not exceed the rate at which the principal pension was so payable.

(5) For the purposes of sub-paragraph (4) there shall be ignored—

- (a) in the case of a widow's pension or child's allowance, any increase therein in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*), and
- (b) in the case of the principal pension—
 - (i) the restrictions on payments on account of an ordinary pension contained in Regulation B1(5), and
 - (ii) the provisions for the reduction of a pension contained in Parts VII and VIII of Schedule B (reductions at state pensionable age and related to up-rating of widow's pension),

and where the relevant parent was entitled both to an ordinary, short service or ill-health pension and to an injury pension, the reference in sub-paragraph (4) to the rate at which the principal pension was payable shall be construed (subject to sub-paragraph (b)) as a reference to the aggregate rate at which those pensions were payable.

2.—(1) Where the relevant parent was the child's only surviving parent or in respect of any period after the death of the child's other parent, the child's ordinary allowance shall, subject to paragraphs 4 and 5, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an annual amount equal to 25% of the relevant parent's pension or notional pension mentioned in paragraph 3.

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(3) Where 3 or more children's ordinary allowances are for the time being payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an annual amount equal to 50% of the relevant parent's pension or notional pension mentioned in paragraph 3 divided by the total number of allowances so payable.

3.—(1) The pension or notional pension referred to in paragraphs 1 and 2 is—

- (a) where the relevant parent died while entitled to an ordinary, short service or ill-health pension, that pension;
- (b) where, having retired with both an ill-health and an injury pension, he died while no longer entitled to the ill-health pension but while entitled to the injury pension, the ill-health pension to which he would have been entitled had he not ceased to be entitled thereto;
- (c) where he retired with a gratuity when entitled to reckon at least 3 years' pensionable service, the ill-health pension to which he would have been entitled had he retired in circumstances entitling him to such a pension, or
- (d) where he died while serving as a regular policeman, the ill-health pension to which he would have been entitled had he retired immediately before he died in circumstances entitling him to such a pension,

calculated, in each case, in accordance with sub-paragraph (2).

(2) The pension or notional pension referred to in sub-paragraph (1)(a), (b), (c) or (d) shall be calculated without regard to—

- (a) the restrictions on payments on account of an ordinary pension contained in Regulation B1(5), and
- (b) the provisions for the reduction of a pension contained in Regulation B7(7) and (8)(b) (*commutation*), in Regulation B9(7) (*allocation*) and in Parts VII and VIII of Schedule B (*reductions at state pensionable age and related to up-rating of widow's pension*).

4. The amount of a child's ordinary allowance determined in accordance with sub-paragraph (2) or (3) of paragraph 1 or, as the case may be, of paragraph 2 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

5. Where in respect of any period a person to whom a child's ordinary allowance is paid so elects, the amount of that allowance in respect of that period shall not be calculated as aforesaid but shall be determined by reference to the rank held by the relevant parent in accordance with Regulation E10 (*flat-rate award*).

6. Where the relevant parent died before 1st April 1987, any reference in paragraph 1(5)(b) or 3(2) to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

7. This Part has effect subject to paragraphs 1(3), 2 and 3 of Part III of Schedule J. Regulation D2

Part II

Child's Special Allowance

1.—(1) Where one of the child's parents is alive, the child's special allowance in respect of the death of a member of a police force ("the relevant parent") shall, subject to paragraph 3, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an amount equal to 10% of the average pensionable pay for a week of the relevant parent.

(3) Where 5 or more children's special allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an amount equal to 40% of the average pensionable pay for a week of the relevant parent divided by the total number of allowances so payable.

2.—(1) Where the relevant parent was the child's only surviving parent, or in respect of the period after the death of the child's other parent, the child's special allowance shall, subject to paragraph 3, be determined in accordance with this paragraph.

(2) Subject to sub-paragraph (3), an allowance determined in accordance herewith shall be of an amount equal to 20% of the average pensionable pay for a week of the relevant parent.

(3) Where 5 or more children's special allowances are payable in respect of the death of the same person, an allowance determined in accordance herewith shall be of an amount equal to 80% of the average pensionable pay for a week of the relevant parent divided by the total number of allowances so payable.

3. The amount of a child's special allowance determined in accordance with paragraph 1 or 2 shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).

Regulation D4

Part III

Child's Accrued Allowance

1. Subject to paragraphs 2 and 3, a child's accrued allowance shall be determined in like manner as an ordinary allowance would be determined under Part I of this Schedule ("Part I") if the child were entitled to such an allowance.

2.—(1) Paragraphs 1(2) and (3) and 2(2) and (3) of Part I as applied hereby shall have effect without regard to paragraph 2 of Part III of Schedule J but as if for any reference in the said paragraphs of Part I to the relevant parent's pension or notional pension there were substituted a reference to his deferred pension calculated in accordance with the following sub-paragraph.

(2) For the purposes of paragraph 1(2) and (3) or 2(2) and (3) of Part I as so applied, the relevant parent's deferred pension shall be calculated without regard to—

- (a) the restrictions on payments contained in Regulation B5(4);
- (b) the provisions for the reduction of a pension contained in Regulation B7(7) and (8)(b) (commutation), in Regulation B9(7) (allocation) and in Parts VII and VIII of Schedule B (reductions at state pensionable age and related to up-rating of widow's pension).

3.—(1) Paragraph 1(4) and (5) of Part I as applied hereby shall have effect as if—

- (a) the reference to a widow's ordinary pension were a reference to a widow's accrued pension, and
- (b) any reference to an ordinary pension or to the principal pension were a reference to the relevant parent's deferred pension calculated in accordance with the following sub-paragraph.

(2) For the purposes of paragraph 1(4) of Part I as so applied, the relevant parent's deferred pension shall be calculated without regard to the restrictions on payments contained in Regulation B5(4).

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4. Where the relevant parent died before 1st April 1987, any reference in paragraph 2(2) or 3(2) to a provision of these Regulations shall be construed as including a reference to the corresponding provision of the former Regulations.

5. Paragraph 2 has effect subject to paragraph 4 of Part III of Schedule J.
Regulation D5

Part IV

Reduction in Child's Allowance During Full-Time Remunerated Training Etc.

1.—(1) In this Part—

“relevant child” means, subject to sub-paragraph (2), 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 of that training at an annual rate in excess of the specified rate;

“specified rate” means the annual rate (rounded up to the nearest £1) at which an official pension within the meaning of the Pensions (Increase) Act 1971(1) would be payable when increased under that Act if, within the meaning thereof, the basic rate of the pension were £250, it began on 1st June 1972 and the pensioner satisfied the qualifying conditions and if the pension fell to be paid in respect of periods for which the relevant child's remuneration falls to be paid;

“excess remuneration” means the annual amount by which the annual rate of the relevant child's remuneration exceeds the specified rate;

“relevant provision” means paragraph 1(3) or 2(3) of Part I of this Schedule (including those provisions as applied by Part III thereof) or paragraph 1(3) or 2(3) of Part II thereof.

(2) A child shall not be a relevant child for the purposes of this Part—

- (a) if he is entitled to an allowance in respect of the death of a member of a police force who ceased to be such before 15th August 1983, unless and until he has attained the age of 19 years;
- (b) if and so long as his allowance falls to be increased in accordance with Regulation E8 (increase during first 13 weeks).

2. In the case of any relevant child—

- (a) if the annual amount of the allowance is greater than the amount of his excess remuneration, it 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 allowance which, but for this sub-paragraph, would be payable to him, the allowance shall not be payable.

3.—(1) Where as well as any relevant child there are other children to whom allowances are payable in respect of the death of the same person and any of the relevant provisions apply, the allowances payable to those other children (“the other allowances”) shall be increased as hereinafter provided.

(2) If paragraph 2(a) applies in the case of any relevant child, then, without prejudice to sub-paragraph (3), the annual amount of each of the other allowances shall be increased by an amount equal to his excess remuneration divided by the number of other allowances.

(1) 1971 c. 56.

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(3) If paragraph 2(b) applies in the case of any relevant child, then, without prejudice to sub-paragraph (2), each of the other allowances shall be recalculated as if the relevant child were not entitled to an allowance.

(4) Notwithstanding the provisions of sub-paragraphs (2) and (3), no child shall by virtue of those provisions receive an allowance greater than that to which he would be entitled if no relevant provision applied in his case.