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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 476**

**The Police Pension (Northern Ireland) Regulations 2007**

**PART 4**

**PENSION AWARDS**

*Survivors' pensions*

**Calculation of adult survivors' pensions**

**38.**—(1) An adult survivor's pension shall be calculated in accordance with the provisions of this regulation, subject to regulations 30(5) and 34(6).

(2)

- (a) Subject to paragraphs (6) and (7), in a case where the police officer concerned died in the circumstances mentioned in regulation 36(a), (b) or (d), an adult survivor of that officer shall be entitled to an annual pension payable for life calculated in accordance with subparagraph (b).
- (b) The annual pension shall be equivalent to half of the annual pension which—
  - (i) was payable to the officer at the time of his death or,
  - (ii) would have been payable to the officer if his deferred pension had come into payment immediately before his death.

(3)

- (a) Subject to paragraphs (6) and (7), in a case where the police officer concerned died in the circumstances mentioned in regulation 36(c), an adult survivor of that officer shall be entitled to an annual pension payable for life calculated in accordance with subparagraph (b).
- (b) The annual pension shall be equivalent to half the annual sum that would have been payable to the officer if—
  - (i) he had retired immediately before his death, and
  - (ii) on retirement he had had an entitlement to both a standard and an enhanced top-up ill-health pension calculated in accordance with regulations 27 and 28.

(4) Where the police officer concerned was a pension debit member, an adult survivor's pension is calculated—

- (a) by reference to the member's rights under these Regulations, as reduced by virtue of Article 28 of the 1999 Order, and
- (b) in accordance with such tables and other guidance as are provided for the purpose by the Scheme actuary.

(5) An adult survivor's pension shall be calculated by reference to the annual pension which was payable or would have been payable to the police officer as mentioned in paragraph (2)(b), or

by reference to the annual sum that would have been payable to the police officer as mentioned in paragraph (3)(b), without taking account of any increase of that annual pension or annual sum in accordance with the Pensions (Increase) Acts.

(6) In the case of an adult survivor who was more than twelve years younger than the police officer concerned at the date of his death—

- (a) the survivor's pension, as calculated in accordance with paragraph (2), (3) or (4), as the case may require and paragraph (5) shall be reduced by 2.5 per cent in respect of each whole year and any additional part of a year in excess of twelve by which the survivor was younger than the officer; but
- (b) no reduction under sub-paragraph (a) shall exceed 50 per cent of the pension that would otherwise be payable.

(7) In any case where—

- (a) the adult survivor is a surviving spouse or surviving civil partner, and
- (b) the marriage of the spouse and the officer occurred, or the civil partnership was formed as the case may be, within the period of six months immediately preceding the officer's death the Board may, in their discretion, withhold the pension.

(8) The amount of an adult survivor's pension, calculated in accordance with the preceding provisions of this regulation, shall be increased in accordance with regulation 47 (increase by reference to the Pensions (Increase) Acts).