
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 79

**THE POLICE PENSION (NORTHERN
IRELAND) REGULATIONS 2009**

**PART 4
PENSION AWARDS**

Awards on death - additional provisions

Death gratuities - dependants

41.—(1) This regulation applies in the case of a police officer who dies while in receipt of a pension or while entitled to a deferred pension, whether or not that pension has come into payment, if death—

- (a) results from an injury received in the execution of his duty; or
- (b) takes place within two years of his becoming entitled to his pension.

(2) In the case of such a police officer the Board may, in their discretion grant a gratuity to any person who was to any degree dependent on him, whether financially or by reason of disablement, at the time of his death; but the aggregate amount of any gratuities granted under this regulation shall not exceed the aggregate pension contributions in respect of the police officer's relevant period of service, calculated in accordance with regulation 23.

Death gratuity - estate

42.—(1) This regulation applies in the case of a police officer who dies—

- (a) while in receipt of a pension;
- (b) while entitled to a deferred pension, whether or not that pension has come into payment; or
- (c) while serving as such.

(2) If in the case of such an officer, the aggregate of—

- (a) any payments made or due to such an officer on account of his pension or by way of a lump-sum under regulation 24 or 26 together with any increase therein under the Pensions (Increase) Acts;
- (b) the capitalised value (calculated in accordance with tables prepared from time to time by the Scheme actuary) of any pension or allowance granted in respect of his death;
- (c) the actuarial value of any pension credit under Part 6 of these Regulations; and
- (d) any gratuity granted in respect of his death under regulation 41,

is less than his aggregate pension contributions in respect of his relevant period of service (calculated in accordance with regulation 23), the Board shall pay a gratuity equal to the difference to his legal personal representative.

Lump-sum death grant

43.—(1) On the death of a person while serving as a police officer a lump-sum death grant becomes payable unless an election under regulation 7 not to pay pension contributions had effect at the time of the death.

(2) The grant is payable whether or not any adult survivor's pension or death gratuity to a dependant of the officer or his estate is payable under regulation 36, 41 or 42 respectively.

(3) The amount of the grant is three times that of the deceased officer's pensionable pay, expressed as an annual rate—

- (a) at the time of death, or
- (b) if he was then absent from duty without pay, immediately before that absence began.

(4) The grant is to be paid—

- (a) to any surviving spouse or surviving civil partner who qualifies for it; or
- (b) if no person is qualified under sub-paragraph (a), and if the Board in their discretion so decide, to a surviving adult partner where the requirements of regulation 37(2)(a) and (b) are met; or
- (c) if no payment is made under sub-paragraph (a) or (b), and if the Board in their discretion so decide, to a person in respect of whom a nomination by the officer in accordance with regulation 44 had effect at the time of his death; or
- (d) otherwise, if the Board in their discretion so decide, to his legal personal representative.

(5) A surviving spouse or surviving civil partner qualifies for the grant unless at the time of the death—

- (a) the deceased officer and his spouse or, as the case may be, civil partner were separated by an order or decree of a competent court, and
- (b) the deceased was not required by such an order to contribute, and was not in fact regularly contributing to, the support of the spouse or civil partner or to the spouse or civil partner for the support of a child of the spouse or civil partner.

Nomination for lump-sum death grant

44.—(1) A police officer may, subject to paragraph (2), nominate a person to receive any lump-sum death grant which may become payable under regulation 43(4)(c).

(2) Such nomination shall not have effect unless—

- (a) it was signed by the officer concerned and sent, before any award under these Regulations other than a pension credit has come into payment, to the Board; and
- (b) it has not been revoked by written notice to the Board.

(3) Upon receipt of a nomination or notice of revocation of such a nomination made in accordance with paragraph (2), the Board shall forthwith send to the officer concerned a written notification of its receipt.

Pension debit members – awards on death

45. Where a pension debit member dies any award in respect of him under regulation 41, 42 or 43 is calculated by reference to the member's rights under these Regulations as reduced by virtue of article 28 of the 1999 Order and in accordance with such tables and other guidance as are provided for the purpose by the Scheme actuary.

Prevention of duplication

46.—(1) Subject to paragraph (3), where, but for this regulation, a person would be entitled to receive, in respect of any particular period, payments on account of more than one award in respect of the death of the same person; and each of the awards is a survivor's pension under regulation 36 or an award under regulation 5, 12, 13, 16, 17, 19 or 20 of the 2006 Injury Regulations, he shall be entitled to receive, in respect of that period, payment on account of one only of those awards.

(2) The award payable under paragraph (1) shall be—

- (a) that from time to time selected by the person concerned; or
- (b) in default of such selection where one award is for the time being greater than any other such award, the award which is for the time being the greater.

(3) Nothing in paragraph (1) shall prevent a person from being entitled to receive more than one such pension if the awards in question are calculated, directly or indirectly, by reference to different periods of pensionable service.

Increase of awards by reference to the Pensions (Increase) Acts

47.—(1) Where it is provided that, for the purpose of calculating an award by way of periodical payments or a gratuity ("the relevant award"), an amount shall be increased in accordance with this regulation, the increase shall be calculated in accordance with paragraph (2).

(2) The amount to be increased shall be increased by the amount, if any, by which a corresponding pension (within the meaning of the Pensions (Increase) Act (Northern Ireland) 1971) of the amount first mentioned would from time to time be increased under the Pensions (Increase) Acts if—

- (a) it were payable to the person entitled to the relevant award and, in relation thereto, he had the like guaranteed minimum pension (if any) as he has in relation to the relevant award;
- (b) it were one of the pensions specified in paragraph 43 of Part II of Schedule 2 to the said Act of 1971⁽¹⁾;
- (c) it were not a pension to which section 1(2)(a) of the Pensions (Increase) Act 1974 applies, and
- (d) it began, within the meaning of the said Act of 1971, and became payable when the relevant award so began and became payable.

(3) The Pensions (Increase) Acts as applied by paragraph (2) shall have effect as if section 3 were omitted from the Pensions (Increase) Act 1971 and, accordingly, the amount first mentioned in paragraph (1) shall be increased so long as the pension is payable.

(1) Paragraph 43 has been amended by paragraph 8 of Schedule 2 to the Police Pensions Act 1976 (c.35) and paragraph 18(3) of schedule 7 to the Police Act 1996 (c.16)