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STATUTORY INSTRUMENTS

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**1987 No. 257**

**The Police Pensions Regulations 1987**

**Part C**

**Widows' Awards**

**Widow's ordinary pension**

**C1.**—(1) This Regulation shall apply to a widow of a regular policeman entitled to reckon at least 3 years' pensionable service—

- (a) who, having retired with an ordinary, short service or ill-health pension, dies or has died while in receipt of that pension;
- (b) who, having retired with both an ill-health and an injury pension, dies or has died otherwise than while in receipt of the ill-health pension but while in receipt of the injury pension;
- (c) who, having retired with an ill-health gratuity, dies or has died as a result of the same injury as resulted in his disablement, or
- (d) who dies or has died while serving as a regular policeman,

except that this Regulation shall not apply by virtue of sub-paragraph (c) to the widow of a regular policeman in respect of whom a transfer value was, or was required to be, paid, following his retirement, in pursuance of Regulation F9 (*interchange arrangements*).

(2) A widow to whom this Regulation applies shall be entitled to an ordinary pension calculated in accordance with Part I of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*).

(3) Paragraph (1) has effect subject to paragraph 1 of Part II of Schedule J.

**Widow's special award**

**C2.**—(1) This Regulation shall apply to a widow of a member of a police force who dies or has died as the result of an injury received without his own default in the execution of his duty.

(2) A widow to whom this Regulation applies shall be entitled to an award which shall comprise—

- (a) a widow's special pension calculated in accordance with Part II of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*), and
- (b) subject to paragraphs (3) and (4), a gratuity of an amount equal to 25% of her husband's average pensionable pay together with, where he died while serving as a member of a police force, an amount equal to whichever is the greater of the following amounts—
  - (i) her husband's average pensionable pay,
  - (ii)  $2\frac{1}{4}$  times the annual amount of the ill-health pension which would have been payable under Regulation B3 to her husband had he retired on the ground that he was permanently disabled on the day on which he died.

(3) Where the husband was entitled to an injury gratuity under Regulation B4 then—

- (a) if it equalled, or exceeded, the gratuity under paragraph (2)(b), the gratuity under paragraph (2)(b) shall not be payable, and
  - (b) in any other case, the gratuity under paragraph (2)(b) shall be reduced by the amount of the husband's gratuity.
- (4) The amount of a widow's gratuity determined in accordance with the preceding provisions of this Regulation shall be increased in accordance with Regulation E9 (*increase by reference to the Pensions (Increase) Acts*).
- (5) Paragraph (2)(b) has effect subject to paragraph 6 of Part II of Schedule J.

### **Widow's augmented award**

**C3.**—(1) This Regulation shall apply to a widow of a member of a police force whose death is the result of an injury received without his own default in the execution of his duty where one of the following conditions is satisfied, namely that—

- (a) he was attacked by a person or persons in a manner which was intrinsically likely to cause death and death ensued as a result of the attack, or
- (b) the injury was received in the course of duties performed for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody, or
- (c) the injury was received in the course of duties performed—
  - (i) for the immediate purpose of saving the life of another person or of preventing loss of human life, and
  - (ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury, or
- (d) the police authority are of the opinion that one of the preceding conditions may be satisfied and that this Regulation should apply, or
- (e) the police authority are of the opinion that the injury was received otherwise than as aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would have been payable had one of the conditions specified in sub-paragraphs (a), (b) and (c) been satisfied.

(2) An award under Regulation C2(2) to a widow to whom this Regulation applies shall comprise—

- (a) a widow's special pension calculated as provided in Regulation C2(2)(a) but as if for the reference in paragraph 1 of Part II of Schedule C to 45% of the husband's average pensionable pay for a week there were substituted a reference to 50% thereof, and
- (b) a gratuity of an amount equal to twice the annual pensionable pay, at the date of her husband's death, of a man—
  - (i) holding the rank of constable in the metropolitan police force, and
  - (ii) entitled to reckon 30 years' service for the purposes of pay,

and the provisions of Regulation C2(2)(b), (3) and (4) shall not apply except that where those provisions are more favourable in her case the gratuity shall be of an amount determined in accordance therewith.

### **Widow's accrued pension**

**C4.**—(1) This Regulation shall apply to a widow of a regular policeman who dies or has died while entitled to a deferred pension, whether or not that pension has or had come into payment.

(2) For the purposes of paragraph (1) a policeman shall be treated as entitled to a deferred pension if he would have been so entitled but for its commutation for a lump sum under Regulation B8.

(3) A widow to whom this Regulation applies shall be entitled to an accrued pension calculated in accordance with Part III of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*).

#### **Limitation on award to widow with reference to date of marriage and pension in case of post-retirement marriage**

**C5.**—(1) A widow shall not be entitled to a widow’s ordinary or accrued pension under Regulation C1 or C4 unless she was married to her husband during a period before he last ceased to be a regular policeman.

(2) A widow shall not be entitled to a widow’s special award under Regulation C2 unless she was married to her husband during a period—

- (a) before he last ceased to be a regular policeman, if he received the injury while serving as a regular policeman;
- (b) before the end of the continuous period of service during which he received the injury, in any other case.

(3) A widow of a regular policeman who, but for paragraph (1) or (2)(a), would be entitled to an award under Regulation C1, C2 or C4 shall, instead, be entitled to a pension calculated in accordance with Part IV of Schedule C subject, however, to Regulation E8 (*increase during first 13 weeks*).

#### **Widow’s requisite benefit and temporary pension**

**C6.**—(1) This Regulation shall apply to a widow of a regular policeman not mentioned in Regulation C1(1), C2(1) or C4(1) where, after the beginning of the tax year in which he attained or would have attained state pensionable age, the husband either—

- (a) has died while serving as a regular policeman, or
- (b) has ceased to serve as such.

(2) A widow to whom this Regulation applies shall be entitled to an award which, subject to paragraph (3), shall comprise—

- (a) if the husband died while serving as a regular policeman or in receipt of a pension, a temporary pension in respect of the first 13 weeks following his death of such amount in respect of each such week as, when aggregated with that of any children’s allowances payable in respect of the husband’s death, is of the like weekly amount as was his pensionable pay or, as the case may be, as was his pension, together with any increase therein, immediately before he died, under the Pensions (Increase) Acts;
- (b) where such a temporary pension is not payable, or after the 13 weeks for which it is payable, a widow’s requisite benefit pension calculated in accordance with Part V of Schedule C;

and, for the purposes of sub-paragraph (a), where the husband died while in receipt of both an ordinary, short service or ill-health pension and an injury pension, the reference therein to the weekly amount of his pension shall be construed as a reference to the aggregate weekly amount of those pensions.

(3) If the capitalised value of the pension payable under paragraph (2)(b) to a widow whose husband died while serving as a regular policeman, as calculated by the Government Actuary, is less than the husband’s average pensionable pay, the widow shall also be entitled to a gratuity equal to the amount by which that capitalised value falls short of the husband’s average pensionable pay.

(4) For the purposes of paragraph (2)(a)—

- (a) the provisions of Regulation A8 shall be disregarded, and, accordingly, a person shall not by virtue thereof be treated as in receipt of an injury pension, but
- (b) he shall be treated as in receipt of an injury pension if he would have been in receipt of such a pension but for his entitlement to additional benefit within the meaning of paragraph 4 of Part V of Schedule B and, where he is, or is so treated as being, in receipt of such a pension, the provisions of the said paragraph 4 shall be disregarded in determining the weekly amount of that pension.

**Widow’s award where no other award payable**

**C7.**—(1) This Regulation shall apply to a widow of a member of a police force to whom neither Regulation C1, C2 nor C6 applies where the husband has died while serving as a member of a police force or, in the case of an auxiliary policeman, while called up for service as such.

- (2) A widow to whom this Regulation applies shall be entitled to an award which shall comprise—
  - (a) in respect of the first 13 weeks following the husband’s death, a temporary pension of such amount as secures that, in respect of each such week, the aggregate amount of the payment under this sub-paragraph and of any children’s allowances payable in respect of the husband’s death is of the like amount as his pensionable pay for a week immediately before he died, and
  - (b) an ordinary gratuity of an amount equal to the husband’s average pensionable pay.

**Limitation on award to widow living apart from her husband and widow’s requisite benefit pension**

**C8.**—(1) A widow shall not be entitled to an award under any of the preceding provisions of this Part if, at the time of her husband’s death—

- (a) she was separated from him by an order or decree of a competent court, and
- (b) he was not required by an order or decree of a competent court to contribute to her support and was not in fact regularly contributing to her support;

and, for the purposes hereof, contributions to a woman for the support of her child shall be treated as contributions for her support.

(2) A widow of a member of a police force who, but for paragraph (1), would be entitled to an award under any of the preceding provisions of this Part shall, instead, be entitled to a widow’s requisite benefit pension calculated in accordance with Part V of Schedule C.

**Termination of widow’s award on remarriage**

**C9.**—(1) Where a widow entitled to a pension under this Part remarries or has remarried, she shall not be entitled to receive any payment on account of the pension in respect of any period after her remarriage:

Provided that if at any time after her remarriage she has again become a widow or that marriage has been dissolved, the police authority may, in their discretion, bring the pension into payment.

(2) Where a widow entitled to a gratuity under this Part remarries or has remarried, so much of the gratuity as has not been paid before her remarriage shall not be payable thereafter:

Provided that if at any time after her remarriage she has again become a widow or that marriage has been dissolved, the police authority may, in their discretion, pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage.

(3) Where, after her husband's death, a woman and a man to whom she is not married are living together as husband and wife, this Regulation shall apply as if for the period for which they so live together she were married to him and any reference therein to her remarriage, her again becoming a widow or the marriage being dissolved shall be construed accordingly.